

# **Exhibit 1**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

DEC 03 2015

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
ACTING UNDER SECRETARY OF DEFENSE FOR PERSONNEL  
AND READINESS  
CHIEFS OF THE MILITARY SERVICES  
COMMANDER, U.S. SPECIAL OPERATIONS COMMAND

SUBJECT: Implementation Guidance for the Full Integration of Women in the Armed Forces

In January 2013, the Department of Defense eliminated the “1994 Direct Ground Combat Definition and Assignment Rule,” effectively removing the remaining barrier to the integration of women into all military occupational specialties and career fields within the U.S. military. At that time, the Military Services and United States Special Operations Command (USSOCOM) were directed to develop plans to implement the change in policy. Specifically, the Military Services and USSOCOM were instructed to prepare for full implementation by January 1, 2016, or submit an exception to policy if they recommended that an occupation or position remain closed to women.

Over the last three years, the Military Services have opened over 111,000 positions to women and have independently studied, developed, and verified operationally relevant standards for them. After careful review of this work, and informed by the counsel and judgment of the Secretaries of the Military Departments, Chiefs of the Military Services, and the Chairman of the Joint Chiefs of Staff, I have now determined that no exceptions are warranted to the full implementation of the rescission of the “1994 Direct Ground Combat Definition and Assignment Rule.” Anyone, who can meet operationally relevant and gender neutral standards, regardless of gender, should have the opportunity to serve in any position.

This simple declaration that opens all career fields to women is, by itself, not sufficient for their full integration. Rather, this is the continuation of a deliberate, methodical, evidence-based, and iterative process that ensures combat effectiveness and protects the welfare of the force. Indeed, the military occupational specialties and positions that were previously closed to women will likely present the most challenging cases to full integration.

Recognizing this, I direct the Secretaries of the Military Departments and Chiefs of the Military Services to provide their final, detailed implementation plans to the Acting Under Secretary of Defense for Personnel and Readiness not later than January 1, 2016. The services will begin to execute the implementation of their approved plans to open all military occupational specialties, career fields, and branches for accession by women as soon as practicable following January 2, 2016 and not later than April 1, 2016. The Deputy Secretary of Defense and Vice Chairman of the Joint Chiefs of Staff will co-chair an Implementation Group to oversee the short-term implementation of this decision and ensure that there are no unintended consequences to the Joint Force following this decision. The Chairman of the Joint Chiefs of Staff and I will receive periodic updates from them. I have confidence in our ability as a learning



organization to leverage the same thoughtful and professional determination we brought to implementing the Don't Ask, Don't Tell repeal and our extensive integration of women into other combat arms positions over the last two decades.

As the Military Departments implement this decision, they should be mindful of the work that has already been done. The Military Services and USSOCOM conducted extensive examinations of the opportunities, impacts, and implementation issues inherent in achieving successful integration of women into previously closed occupational fields. These studies yielded insights far beyond gender integration. The research and analysis conducted over the last two years have increased our understanding of the physical and physiological demands on Service members and the cultural currents that influence unit cohesion and morale. The studies conducted by the Military Services and USSOCOM highlighted several concerns that will need to be adequately considered as Military Departments finalize their implementation plans. These concerns can be broadly characterized in the following ways, and must be addressed in the detailed implementation of this decision:

Transparent Standards. The Services will continue to apply previously developed and validated operationally relevant and objective standards for all career fields to ensure that leaders assign tasks and career fields throughout the force based on ability, not gender. This approach is integral to preserving unit readiness, cohesion, and morale, and it will continue to form the foundation for full integration.

Population Size. Equal opportunity may not always equate to equal participation by men and women. Small numbers of women in demanding career fields pose challenges that will vary by occupation and Services and will impact the entire Joint Force. Throughout this process, implications for equipment sizing, supply, and facilities have been thoroughly studied and need to continue to be addressed.

Physical Demands and Physiological Differences. Both the Army and Marine Corps studies found that women participating in ground combat training sustained injuries at higher rates than men, particularly in occupational fields requiring load-bearing. These studies also revealed concrete ways to help mitigate this injury rate and the impact to individuals and the teams in which they operate. The sustainability of our combat readiness and our obligation to the welfare of the force means these findings must be addressed in the implementation of the full integration of women in the Armed Forces.

Conduct and Culture. The integration of women may require a cultural shift in previously all-male career fields. We are prepared to meet this challenge. The military assimilates change by relying upon the enduring values of the profession of arms. Concerns about possible reductions in combat effectiveness can be addressed by effective leadership and gender-neutral standards. This has been demonstrated over the past 14 years in combat operations, during which women have played a critical role. The primary factor in developing cohesion is the ability of all members of the team to perform assigned mission essential tasks effectively. To that end, attitudes toward team performance are important and must be addressed through education and training. Sexual assault or harassment, hazing, and unprofessional behaviors are never



acceptable. Our core beliefs in good order, discipline, leadership, and accountability are foundational to our success in gender integration.

Talent Management. The issue of small numbers is closely coupled with the challenge of maintaining viable career paths for women in fields where physical performance is often not only a baseline entry requirement but also a differentiating factor in promoting leaders. Recruiting, retaining, and advancing talented women in highly physical fields will demand careful consideration – but adherence to a merit-based system must continue to be paramount. As the Military Services and USSOCOM move forward with implementation, leaders must not use special preferences or undue pressure to increase numbers at the expense of merit. Integration provides equal opportunity for men and women who can perform the tasks required; it does not guarantee women will fill these roles in any specific number or at any set rate.

Operating Abroad. The United States is a nation committed to equality and using the talents of its entire population to the fullest. Some areas of the world do not share the same principles. The Military Services and USSOCOM acknowledge that the presence of women in some units may complicate cooperation with allies and partners who are culturally opposed to working with women. We have dealt with this in Iraq and Afghanistan with success, and we will continue to use the best practices learned in those countries and elsewhere, in the future.

Assessment and Adjustment. It is absolutely critical to our warfighting ability and the welfare of our people that we embark on integration with a commitment to the monitoring, assessment, and in-stride adjustment that enables sustainable success. This commitment is not an impediment to integration; rather, it is essential to its long-term success.

The opportunities inherent in full integration can only be realized if the implementation plans from the Military Departments, Services, and USSOCOM are sound. The responsibility for implementation is not borne solely on the shoulders of women, nor by the forces within the newly integrated career fields; it is borne in equal measure by the entire force and the military and civilian leadership of the Department of Defense. We all share the imperative to preserve and improve the finest fighting force the world has ever known.

A handwritten signature in black ink, reading "Ash Carter". The signature is written in a cursive, flowing style with a large initial "A".

cc:

Deputy Secretary of Defense  
Chairman of the Joint Chiefs of Staff  
Vice Chairman of the Joint Chiefs of Staff



# **Exhibit 2**

### Detailed Legal Analysis

The Department's notification under Section 652, title 10, United States Code, notifies Congress that, based on a comprehensive review of military assignment policies, the Department will open all positions to the assignment of women, thereby providing men and women the same opportunities to serve in all positions based on their abilities and qualifications. Section 652 requires that such notifications include a detailed analysis of the legal implications of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) (MSAA or Act) to males only. *See* 10 U.S.C. § 652(a)(3)(B).

The MSSA requires that every male citizen of the United States, and every other male person residing in the United States, between the ages of eighteen and twenty-six, register at such time or place, and in such manner, as shall be determined by proclamation of the President and by rules and regulations prescribed. 50 U.S.C. App. § 453(a).

In *Rostker v. Goldberg*, 453 U.S. 57 (1981), the United States Supreme Court considered the constitutionality of male-only draft registration under the Act and upheld the Act. The Court held that the Act's male-only registration provisions did not violate the Fifth Amendment to the United States Constitution because men and women were not similarly situated for purposes of a draft or registration, in that women were excluded from combat by statute and military policy. The Court found that Congress acted within its constitutional authority to raise and regulate armies and navies when it authorized the registration of men and not women. The Court made clear that its "precedents requiring deference to Congress in military affairs" were implicated in the case. *Id.* at 69.

In *Rostker*, the Court recognized that the decision by Congress to exclude women from the registration requirement was not the "accidental by-product of a traditional way of thinking about females" but rather was the subject of considerable national attention and public debate, and was extensively considered by Congress in hearings, floor debates, and in committee. *Id.* at 74 (internal quotation marks omitted). The Court deferred to Congress' explanation that "[i]f mobilization were to be ordered in a wartime scenario, the primary manpower need would be for combat replacements." *Id.* at 76 (internal quotation marks omitted). Additionally, the Court noted that women were not similarly situated to men for purposes of the Act because of their exclusion from assignments to certain units whose primary mission is to engage in direct combat on the ground. *See id.* at 76-78.

The landscape on the assignment of women has changed since *Rostker* was decided. Since the *Rostker* decision, sections 8549 and 6015 of title 10, U.S.C. (prohibiting the assignment of women to aircraft engaged in combat and vessels engaged in combat, respectively) have been repealed. On February 8, 2012, the Department rescinded its co-location restriction on the assignment of women, and approved an exception to the 1994 Direct Ground Combat

Definition and Assignment Rule that allowed the assignment of women to select direct ground combat units in specific occupations at the battalion level and above. On January 24, 2013, the Department rescinded its 1994 Direct Ground Combat Definition and Assignment Rule, which prohibited the assignment of women to certain units and positions. In rescinding the 1994 policy, the Department established a way forward, using the guiding principles and milestones developed by the Joint Chiefs of Staff, to integrate women into all then-closed positions as expeditiously as possible, considering good order and judicious use of fiscal resources, no later than January 1, 2016. Throughout this process, the Department has kept Congress abreast of its changes through briefings and required notifications.

The opening of all direct ground combat positions to women further alters the factual backdrop to the Court's decision in *Rostker*. The Court in *Rostker* did not explicitly consider whether other rationales underlying the statute would be sufficient to limit the application of the MSSA to men. The Department will consult with the Department of Justice as appropriate regarding these issues.



# **Exhibit 3**



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR - 9 2016

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND  
READINESS  
CHIEFS OF THE MILITARY SERVICES  
COMMANDER, U.S. SPECIAL OPERATIONS COMMAND

SUBJECT: Approval of Final Implementation Plans for the Full Integration of Women in the  
Armed Forces

On December 3, 2015, I announced my decision to deny any exceptions to full implementation of the rescission of the "1994 Direct Ground Combat Definition and Assignment Rule." I also directed the Secretaries of the Military Departments, Chiefs of the Military Services, and Commander, USSOCOM to provide their final, detailed implementation plans to the Office of the Under Secretary of Defense for Personnel and Readiness not later than January 1, 2016.

Following submission of these plans, the Deputy Secretary of Defense and Vice Chairman of the Joint Chiefs of Staff co-chaired an Implementation Group that reviewed each of the plans in detail. This review determined that all plans adequately address each of the seven guiding principles I laid out in my implementation guidance memo—released in December 2015 (Transparent Standards, Population Size, Physical Demands and Physiological Differences, Conduct and Culture, Talent Management, Operating Abroad, and Assessment and Adjustment).

As I said in December, the simple declaration that opens all career fields to women is, by itself, not sufficient for their full integration. It is absolutely critical to our warfighting ability and the welfare of our people that we embark on full integration with a commitment to the monitoring, assessment, and in-stride adjustments that enable sustainable success. Your plans clearly demonstrate this commitment, and accordingly, I approve them. You may now execute your plans to open all previously-closed positions, occupations, specialties, career fields, and branches to women.

*Ash Carter*

# **Exhibit 4**



# United States Senate

WASHINGTON, DC 20510

September 7, 2016

The Honorable John McCain  
Chairman  
Senate Armed Services Committee  
Washington, D.C. 20510

The Honorable Mac Thornberry  
Chairman  
House Armed Services Committee  
Washington, D.C. 20510

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee  
Washington D.C. 20510

The Honorable Adam Smith  
Ranking Member  
House Armed Services Committee  
Washington, D.C. 20510

Dear Chairman McCain, Ranking Member Reed, Chairman Thornberry, and Ranking Member Smith:

We, the undersigned, request your consideration on a matter of great importance as you prepare for conference negotiations on the FY17 National Defense Authorization Act (NDAA).

As you know, the Senate-passed bill includes language that would, for the first time, require women to register for the Selective Service. We believe it is better to refrain from this expansion and to instead, task an independent commission to study the purpose and utility of the Selective Service System, specifically determining whether the current system is unneeded, if it is sufficient, or if it needs an expanded pool of potential draftees.

We should not hinder the brave men and women of our armed forces by entrapping them in unnecessary cultural issues. Our all-volunteer military is the best military the world has ever seen, and women who wish to serve in this military are free to do so. The provisions of the FY17 NDAA regarding



JAMES INHOFE  
United States Senator



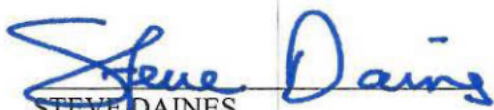
JOHNNY ISAKSON  
United States Senator



JOHN BOOZMAN  
United States Senator



TED CRUZ  
United States Senator



STEVE DAINES  
United States Senator



JOHN HOEVEN  
United States Senator



JAMES LANKFORD  
United States Senator



MIKE LEE  
United States Senator



JERRY MORAN  
United States Senator



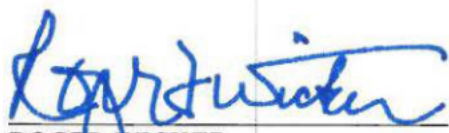
DAVID PERDUE  
United States Senator



JAMES RISCH  
United States Senator



TIM SCOTT  
United States Senator



ROGER WICKER  
United States Senator

# **Exhibit 5**



115th Congress, 1st Session — — — — — House Document 115–27

PRINCIPLES FOR REFORMING THE MILITARY  
SELECTIVE SERVICE PROCESS

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

THE PRINCIPLES FOR REFORMING THE MILITARY SELECTIVE  
SERVICE PROCESS, PURSUANT TO PUBLIC LAW 114–328, SEC.  
555(c)(1)



APRIL 4, 2017.—Message and accompanying papers referred to the  
Committee on Armed Services and ordered to be printed

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U.S. GOVERNMENT PUBLISHING OFFICE

69–011

WASHINGTON : 2017



*To the Congress of the United States:*

I transmit herewith Principles for Reforming the Military Selective Service Process, in accordance with section 555 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), which calls for the President to establish principles for reform of the military selective service process in support of the National Commission on Military, National, and Public Service.

DONALD J. TRUMP.

THE WHITE HOUSE, *April 3, 2017.*





## PRINCIPLES FOR REFORMING THE MILITARY SELECTIVE SERVICE PROCESS

Sections 551–557 of the National Defense Authorization Act for Fiscal Year 2017 established the National Commission on Military, National, and Public Service. Section 555(c) requires the President to provide the Commission and the Congress with principles to guide the Commission’s review and recommendations.

Our Nation requires a strong military for our security and for the defense of American values and our interests abroad. While we have successfully transitioned from a conscripted to an All-Volunteer Force comprised of Active Duty, Reserve, and National Guard personnel, and backed up by a program of selective service to meet emergency manpower requirements, sustaining this force requires prudent management.

The Nation must be ever mindful of the unpredictable global security environment that requires an effective and efficient means to provide manpower to the national security community, including military and non-military support in a national emergency. Historically, the Nation has maintained Selective Service registration to provide a hedge against the catastrophe not yet anticipated. Registration is a means to sustain preparedness, while also reminding youth that public service is a valued part of United States citizenship.

In conducting the Commission’s review and in developing recommendations, the Commission should ensure close examination of all areas outlined in section 551(b) to include the need for a military Selective Service process; the means by which to foster a greater attitude, ethos, and propensity for military services among United States youth; the feasibility and advisability of modifying the Selective Service process to leverage individuals with critical skills for which the Nation has a need without regard to age or sex; and the feasibility and advisability of tying the Selective Service process to eligibility or entitlement for certain Federal benefits.

The Commission’s recommendations and analysis for sustaining and/or modernizing the Selective Service process should be based upon the principles outlined in sections 555(c)(2). The Commission’s recommendations should also be guided by the following principles established by the President:

1. The Nation must prepare to mitigate an unpredictable global security and national emergency environment and to provide manpower by which the agencies responsible for military, national, or public service requirements can identify, recruit, and employ individuals from the entire population with skills necessary to augment existing manpower within those agencies.

2. The Nation benefits from citizens who value civic responsibility and service. Any system, process, or program should assist the government in fostering conditions that afford opportunities

and pathways to service for persons able to employ those critical skills necessary to augment skill sets during conflict or national emergency, including creating opportunities to incentivize volunteerism.

3. Any system, process, or program used to identify, register, access, and employ individuals to augment the existing federal civilian sector, military, and private sector (including the non-profit sector) should draw upon the Nation's diversity by ensuring qualified United States youth across all demographics have the opportunity to participate in military, national, and public service.

4. Any system, process, or program used to identify, recruit, and employ additional skill sets should be effective in times of peace, war, and other levels of conflict or emergency response. Associated initiatives, systems, and processes must be seamless, robust, and able to expand and contract as needed. They also should ensure the means to create pathways through service that leverages enhanced, empowered, and experienced expertise across the spectrum of science, technology, engineering, mathematics, national security, cyber linguistics and foreign language, education, health care, and the medical professions.

5. Any system, process, or program should assist in incentivizing military, national, and public service, as well as exposing the opportunities for critical education and technical training opportunities via the U.S. Armed Forces, federal and private sector, and volunteerism that set conditions to advance individual engagement; academic and technical development; and engagement in industry that leads to a well-rounded and contributory society.

6. Any system, process, or program used to identify, register, access, and employ individuals for the purpose of sustaining or augmenting the military, national, or public service must be grounded in fiscal sustainability to ensure its long-term viability and reliability to the Nation. It should also utilize best practices based on existing public and private sector systems/processes.

Together, these principles form a useful foundation to guide the Commission's review and development of recommendations with respect to the Selective Service process and means to increase participation in public service to support the needs of the Nation.

# **Exhibit 6**



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

The Honorable Michael R. Pence  
President of the Senate  
United States Senate  
Washington, DC 20510

SEC 1

Dear Mr. President:

This letter and its attachments are provided in response to the requirement set forth in section 555(d) of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328), relating to the National Commission on Military, National, and Public Service (Commission), which reads as follows:

***SEC. 555. PRINCIPLES AND PROCEDURES FOR COMMISSION RECOMMENDATIONS***

*... (d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.*

The National Security Staff requested that the Department of Defense (DoD) lead the interagency effort to respond to this NDAA requirement. The Secretary of Defense subsequently charged the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) to develop and submit the response on behalf of the Department. With a view to providing the Commission a breadth of information and recommendations, OUSD(P&R) solicited input from 16 Federal agencies and departments (enclosed), the Cabinet Agencies required by the statute among them.

In August 2017, OUSD(P&R) initiated its effort to respond to the NDAA requirement by convening a meeting in the Pentagon of 16 Federal agencies and departments with potential equity in the military selective service process. In the context of this meeting, a senior representative of the Selective Service System briefed the participants to orient them to the mission and structure of that agency. This was followed by a robust exchange of ideas among the participants regarding the best way to meet the NDAA requirement. With input from both participating agencies and departments, and the National Commission on Military, National, and Public Service, OUSD(P&R) developed a questionnaire that provided a framework for each agency's or department's generation and submission of the recommendations required by law.

UP000388-17



The enclosed draft questionnaire was then coordinated with the Office of Management Budget and disseminated to participating agencies and departments in September 2017.

OUSD(P&R) hosted a final meeting in October 2017, during which a representative of the National Commission on Military, National, and Public Service provided a briefing on the Commission's focus and activities. Participating agencies and departments discussed and resolved issues associated with completing the questionnaire.

The questionnaires completed by the 16 Federal agencies and departments who participated in this endeavor are enclosed. Rather than using the questionnaire format, the Attorney General submitted a letter addressing the questions posed. OUSD(P&R)'s role was limited to compiling the questionnaires, and jointly transmitting the responses, as required by the NDAA. OUSD(P&R) did not edit or otherwise modify the responses received.

Thank you for your continued interest in, and support of, the National Commission on Military, National, and Public Service, and the effect of its outcomes on the Department of Defense and other federal agencies and departments. As required by law, this report is also being provided to the Speaker of the House, the Chairmen of the congressional defense committees, and the National Commission on Military, National, and Public Service.



Robert L. Wilkie

Enclosures:  
As stated



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 11 2017

The Honorable Dr. Joseph Heck  
Chairman  
National Commission on Military, National, and Public Service  
2900 Crystal Drive  
Arlington, VA 22202

Dear Mr. Chairman:

This letter and its attachments are provided in response to the requirement set forth in section 555(d) of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328), relating to the National Commission on Military, National, and Public Service (Commission), which reads as follows:

**SEC. 555. PRINCIPLES AND PROCEDURES FOR COMMISSION RECOMMENDATIONS**

...  
(d) *CABINET RECOMMENDATIONS.*—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

The National Security Staff requested that the Department of Defense (DoD) lead the interagency effort to respond to this NDAA requirement. The Secretary of Defense subsequently charged the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) to develop and submit the response on behalf of the Department. With a view to providing the Commission a breadth of information and recommendations, OUSD(P&R) solicited input from 16 Federal agencies and departments (enclosed), the Cabinet Agencies required by the statute among them.

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Robert L. Wilkie

Enclosures:  
As stated



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

PERSONNEL AND  
READINESS

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

DEC 11

Dear Mr. Speaker:

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The National Security Staff requested that the Department of Defense (DoD) lead the interagency effort to respond to this NDAA requirement. The Secretary of Defense subsequently charged the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) to develop and submit the response on behalf of the Department. With a view to providing the Commission a breadth of information and recommendations, OUSD(P&R) solicited input from 16 Federal agencies and departments (enclosed), the Cabinet Agencies required by the statute among them.

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Robert L. Collins

Robert L. Wilkie

Enclosures:  
As stated





**UNDER SECRETARY OF DEFENSE**  
 4000 DEFENSE PENTAGON  
 WASHINGTON, D.C. 20301-4000

DEC 11 2017

The Honorable Rodney P. Frelinghuysen  
 Chairman  
 Committee on Appropriations  
 U.S. House of Representatives  
 Washington, DC 20515

Dear Mr. Chairman:

This letter and its attachments are provided in response to the requirement set forth in section 555(d) of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328), relating to the National Commission on Military, National, and Public Service (Commission), which reads as follows:

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The questionnaires completed by the 16 Federal agencies and departments who participated in this endeavor are enclosed. Rather than using the questionnaire format, the Attorney General submitted a letter addressing the questions posed. OUSD(P&R)'s role was limited to compiling the questionnaires, and jointly transmitting the responses, as required by the NDAA. OUSD(P&R) did not edit or otherwise modify the responses received.

Thank you for your continued interest in, and support of, the National Commission on Military, National, and Public Service, and the effect of its outcomes on the Department of Defense and other Federal agencies and departments. As required by law, this report is also being provided to the President of the Senate, the Speaker of the House, the Chairmen of the other congressional defense committees, and the National Commission on Military, National, and Public Service.

Robert L. Willie

Robert L. Wilkie

Enclosures:

As stated

CC:

The Honorable Nita M. Lowey  
Ranking Member





UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

The Honorable William M. "Mac" Thornberry  
Chairman  
Committee on Armed Services  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

This letter and its attachments are provided in response to the requirement set forth in section 555(d) of the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (Public Law 114-328), relating to the National Commission on Military, National, and Public Service (Commission), which reads as follows:

**SEC. 555. PRINCIPLES AND PROCEDURES FOR COMMISSION RECOMMENDATIONS**

*(d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress recommendations for the reform of the military selective service process and military, national, and public service in connection with that process.*

The National Security Staff requested that the Department of Defense (DoD) lead the interagency effort to respond to this NDAA requirement. The Secretary of Defense subsequently charged the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) to develop and submit the response on behalf of the Department. With a view to providing the Commission a breadth of information and recommendations, OUSD(P&R) solicited input from 16 Federal agencies and departments (enclosed), the Cabinet Agencies required by the statute among them.

In August 2017, OUSD(P&R) initiated its effort to respond to the NDAA requirement by convening a meeting in the Pentagon of 16 Federal agencies and departments with potential equity in the military selective service process. In the context of this meeting, a senior representative of the Selective Service System briefed the participants to orient them to the mission and structure of that agency. This was followed by a robust exchange of ideas among the participants regarding the best way to meet the NDAA requirement. With input from both participating agencies and departments, and the National Commission on Military, National, and Public Service, OUSD(P&R) developed a questionnaire that provided a framework for each agency's or department's generation and submission of the recommendations required by law.

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Robert L. Wilkie

Enclosures:  
As stated

cc:  
The Honorable Adam Smith  
Ranking Member





PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

DEC 10

The Honorable Thad Cochran  
Chairman  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

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Robert L. Wilkie

Enclosures:

As stated

cc:

The Honorable Patrick J. Leahy  
Vice Chairman



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

The Honorable John McCain  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

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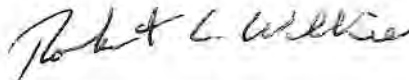


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Robert L. Wilkie

Enclosures:  
As stated

cc:  
The Honorable Jack Reed  
Ranking Member

## **TAB A – List of Participating Federal Agencies and Departments**

1. Department of the Army
2. Department of the Air Force
3. Corporation for National and Community Service
4. U.S. Coast Guard
5. Department of Education
6. Department of Health and Human Services (U.S. Public Health Service)
7. Department of Justice
8. Department of Labor
9. The Joint Staff, Office of the Secretary of Defense
10. Department of the Navy
11. Office of Personnel Management
12. Peace Corps
13. Social Security Administration
14. Selective Service System
15. Department of Veterans Affairs
16. National Oceanic and Atmospheric Administration

**TAB B –  
Questionnaire**



## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, DoD requests that the participating agencies respond to this survey with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information
2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.
3. Does your Agency, Department, or Organization routinely check an applicant’s Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation.
4. Does your Agency, Department, or Organization routinely check an applicant’s public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation.

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?
2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?
3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?
4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?
5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?
6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?
2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?
3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?
4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

**TAB C – Completed Questionnaires Submitted by Participating  
Federal Agencies and Departments**

1. Department of the Army
2. Department of the Air Force
3. Corporation for National and Community Service
4. U.S. Coast Guard
5. Department of Education
6. Department of Health and Human Services (U.S. Public Health Service)
7. Department of Justice
8. Department of Labor
9. The Joint Staff, Office of the Secretary of Defense
10. Department of the Navy
11. Office of Personnel Management
12. Peace Corps
13. Social Security Administration
14. Selective Service System
15. Department of Veterans Affairs
16. National Oceanic and Atmospheric Administration

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**US Army Questionnaire**  
**Military Selective Service and Military, National, and Public Service**

**GENERAL AGENCY INFORMATION:**

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information.

**RESPONSE:** Department of the Army, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs); Mr. Jeffrey Angers, jeffrey.p.angers.civ@mail.mil, (703) 695-2455; Dr. Lyle Hogue, lyle.j.hogue.civ@mail.mil, (703) 695-5498.

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

**RESPONSE:** Yes. Title 5 USC, § 3328, *Selective Service Registration*, provides that males born after 31 Dec 59 are required to register with the Selective Service IAW the *Military Selective Service Act* (Title 50 USC, Appendix – War and National Defense, § 453). An individual's failure to register with the Selective Service is considered an issue of eligibility for appointment, and the Department of the Army must follow procedures provided in 5 CFR Part 300, Subpart G, *Statutory Bar to Appointment of Persons Who Fail to Register Under Selective Service Law*, § 300.701-707 when considering such individuals for appointment.

For Army civilian employment, applicants who are not registered, or knowingly and willfully did not register before the requirement terminated, are ineligible for appointment to an Army civilian position.

For Army military enlistment, applicants over the age of 18 year are required to include their Selective Service number in the application packet. Applicants who fail to register, will be denied enlistment.

For Army Senior ROTC, applicants must provide information on their Selective Service record as part of the Security Clearance application process.

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

**RESPONSE:** Yes. For Army civilian employment, individuals selected for appointment to a civilian position are required to complete and return Optional Form 306, *Declaration for Federal Employment*, provided by the Office of Personnel Management. This form requires the selectee to provide information regarding their citizenship and Selective Service registration status. The Department of the Army routinely checks this information to comply with the requirements of Title 5 USC, § 3328, *Selective Service Registration*.

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

**RESPONSE:** No. The Army has no positive requirement for public service. Both civilian and military applicants will often provide public service history and Federal job training information as part of the application processes. However, in accordance with merit systems principles, the Army cannot use public service history as a means test for employment.

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**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

**RESPONSE:** The Army's primary role in previous drafts was to identify its manpower requirements; process qualified inductees; assign them to appropriate occupational specialties; and train them for future assignments to operational units. In the last three major engagements before the draft was abolished, the military selective service system provided DoD with nearly 13.5 million men to fight and win the Nation's wars: from 1940 to 1946 in World War II (10,021,279 inductions); from 1950 to 1953 in Korea (1,681,820 inductions); and from 1954 to 1973 in Vietnam (1,766,910 inductions).<sup>1</sup>

2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

**RESPONSE:** Yes. As stated in Question 1, Title 5 USC, § 3328, *Selective Service Registration*, provides that males born after 31 Dec 59 are required to register with the Selective Service IAW the *Military Selective Service Act* (Title 50 USC, Appendix – War and National Defense, § 453). An individual's failure to register with the Selective Service is considered an issue of eligibility for appointment, and the Department of the Army must follow procedures provided in 5 CFR Part 300, Subpart G, *Statutory Bar to Appointment of Persons Who Fail to Register Under Selective Service Law*, § 300.701-707 when considering such individuals for appointment.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

**RESPONSE:** Yes. Should the President and Congress implement a draft, the Army would support the expansion of the Selective Service System (SSS,) including the establishment of 56 State Headquarters at designated National Guard armories to provide operational management for induction processing and operation of the Alternative Service Program within the state; opening of 436 Area Offices in select recruiting station offices (all Services) across the US; and providing, with the other Services, more than 500 Reserve Force Officers representing all branches of the Armed Forces and 1,500 noncommissioned officers recalled from retirement.<sup>2</sup>

Registrants would be ordered to report to a US Military Entrance Processing Station (MEPS) for a physical, mental, and moral evaluation to determine whether they are fit for military service. Those who pass the military evaluation would receive induction orders. An inductee would have 10 days to report to the local MEPS for induction. According to current SSS plans, the first inductees must be delivered to the Services within 193 days from a mass mobilization order.<sup>3</sup>

The US Army Recruiting Command (USAREC) and US Army Training and Doctrine Command (TRADOC) would shift their focus to processing qualified inductees, assigning them to appropriate occupational specialties, and training them for future assignments to operational units. In addition, implementation of a draft would require reconsideration of Army Profession doctrine to address a force that would include volunteers and non-volunteers. TRADOC would be tasked to develop foundational doctrinal concepts that support not only the All-Volunteer Army, but conscripts as well.

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<sup>1</sup> Ibid, p. 10.

<sup>2</sup> Ibid, p. 6.

<sup>3</sup> Ibid, p. 9.



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4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

RESPONSE: Yes. Although the DoD currently has no operational plans that envision mobilization at a level that would require conscription, the potential for global conflict on the scale of another world war still exists. Should the President and Congress implement a draft, the USAREC would follow a phased approach that includes: transferring facilities, computer systems and equipment to the SSS; closing designated recruiting stations; realigning military personnel to designated mobilization stations; accelerating enlistment of select Delayed Entry Program (DEP) members; reorganizing select metropolitan recruiting stations to enlist walk-in volunteers; and turning over vacated facilities and associated equipment to the Corps of Engineers and/or General Services Administration.<sup>4</sup>

In addition, the Army would execute plans established through the Army Mobilization and Operations Planning and Execution System (AMOPES) to expand the institutional training base. Under Full Mobilization, the entire training base would convert to mobilization posture. The 108<sup>th</sup> Training Command (Initial Entry Training) and the 80<sup>th</sup> Training Command (The Army School System) would be assigned to Headquarters, TRADOC and their subordinate units would augment and expand US Army Training Centers and/or proponent schools, as required.<sup>5</sup>

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

RESPONSE: No. At this time, the Army recommends no changes/modifications to its role in a draft. The Army supports retaining the Office of the Secretary of Defense in the role of integrator between the Services and the SSS.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

RESPONSE: No. The current Selective Service process does not pose any problems for the Army. However, since the ban on women in combat was lifted in 2013, it would appear imprudent to exclude approximately 50 percent of the population from availability for the draft in the case of a national emergency. Future wars may have requirements for skills in non-combat fields in which the percentage of individuals qualified would not be as variable by gender. A broader, deeper registrant pool would enhance the ability of the Selective Service System to provide manpower to the DoD in accordance with its force needs. In Feb 16, both General Mark Milley, Army Chief of Staff, and General Robert Neller, Commandant of the Marine Corps, publicly stated that all eligible and qualified men and women should be required to register for the draft.<sup>6</sup>

Some have suggested the possibility of targeting the draft process to specific occupational specialties that may be of particular necessity or high-value in the prosecution of a given conflict. While such a targeted draft might be feasible, it would add significant complexity to registration and mobilization processes. More important is the understanding that applying qualitative conscription criteria to some, inevitably devolves

<sup>4</sup> US Army Recruiting Command (USAREC), *USAREC Mobilization and Operations Planning and Executions System 1-04 (UMOPES)*, 8 Jul 04, p 6-7.

<sup>5</sup> US Army Training Command (TRADOC) Regulation 350-28, *US Army Reserve (USAR) Support to the Generating Force*, 30 Nov 15.

<sup>6</sup> Lamothe, Dan, "Army and Marine Corps Chiefs: It's time for women to register for the draft", *The Washington Post*, 2 Feb 16.

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into de facto exemptions for others. Significant thought and effort would need to be devoted to countering the specter of an unfair and inequitable draft raised by the use of targeted mobilization.<sup>7</sup>

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

RESPONSE: Today, less than one percent of Americans serve in uniform. As the conscripts of World War II, Korea, Vietnam, and the Cold War fade away, fewer Americans have a personal connection to the military than at any time in the past several decades – the gap between the American people and their military is growing ever larger. The US Army has a number of programs helping to close this gap, including, but not limited to:

- The Army National Guard (ARNG) is a unique and essential element of the US Army. Founded in 1636 as a citizen force organized to protect families and towns from hostile attacks, today's ARNG Soldiers hold civilian jobs or attend college while maintaining their military training part time. They live at home, where they can be near friends and family, and establish a national ethos by serving both community and country.
- The US Army Marketing and Research Group (AMRG), in coordination with USAREC, leverages media, marketing material, and marketing events as a call to action which leads to a face-to-face engagement between the target recruiting population and a recruiter. The intent of this engagement is to allow the recruiter to share their Army story, what the Army has done for them, with potential recruits and their influencers.
- The US Army Marketing and Engagement Brigade (USAMEB) supports Army marketing and accessions and conducts directed research and development to enhance Army ethos and recruiting. The USAMEB, including the US Army Parachute Team (Golden Knights) and the US Army Marksmanship Unit, creates a positive Army ethos, engaging with the American public by demonstrating elite Army skills and capabilities, performing at airshows and competitions world-wide.
- The Army's Junior Reserve Officers' Training Corps (JROTC) operates at 1,709 schools in every state and in American schools overseas. Cadet enrollment has grown to over 300,000 with over 3,700 professional instructors. Comprised solely of active duty Army retirees, the JROTC instructors serve as mentors developing the outstanding young citizens of the country. The purpose of JROTC is to instill in US secondary educational institution students the values of citizenship, service to the Nation, personal responsibility, and the proud sense of accomplishment.
- The Meet Your Army outreach initiative sends Army leaders to American communities where the Army has little or no presence. The initiative brings Soldiers to communities throughout the US, where both civilians and local press can interact with them and learn more about who defends their nation. Meet Your Army educates, excites, and inspires the American public about their Army.

Internally, the Army emphasizes in its doctrine<sup>8</sup> and professional military education that the Army is a profession, a calling to honorable service in defense of the U.S. Constitution and the Nation:

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<sup>7</sup> Ibid, p. 25-26.

<sup>8</sup> Army Doctrine Reference Publication 1, *The Army Profession*, 14 Jun 15.

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- The Army has established an identity-based ethic that encourages Soldiers and Army Civilians to aspire to a shared identity as trusted Army professionals.
- The US Army Cadet Command (USACC) and US Military Academy (USMA), who produce the overwhelming majority of Army officers, stress duty, honor, and country and train Cadets on the Army Values.
- The Army Civilian Corps unifies Army civilians and embodies the commitment of these dedicated individuals who serve as an integral part of the Army team. The Army Civilian Corps Creed was developed to codify the ethos of military and public service.
- Soldier for Life is the holistic approach to the military life cycle of a Soldier. Following their service, it assists Soldiers, Veterans and their Families to reintegrate and instill their values, ethos and leadership into their communities.

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

**RESPONSE:** While the Army has no specific recommendation to the Selective Service process itself, the Army recognizes the value of cultivating increased support for MNS service. Consistent with the comments above, the Army leverages numerous vehicles to engender a greater likelihood that those who influence youth would recommend military, national and public service. The Army continues to seek innovative methods to connect with America including a strong Army brand that promotes service in the Army. For example, at the Annual National Association of Secondary School Principals meeting held at Fort Leavenworth, Army and education leaders from across the country share best practices in leadership development and exchange ideas about improving education for students and schools. In the process, educators gain a better understanding of the US Army's education initiatives including discussions on Army ROTC and March2Success.<sup>9</sup>

At the Federal/DoD level, the National Language Service Corps (NLSC) serves as a potential model for other programs. NLSC is a readily available group of language volunteers who provide supplemental language resources to US Federal Agencies. NLSC members have the opportunity and privilege to help their country, their neighbors, and their fellow citizens by participating in national efforts when their expertise can truly make a difference. Members can be called upon in times of need to use their interpreting, translating, teaching, and/or subject matter expertise skills to assist others in the US and around the world during short-term assignments.<sup>10</sup>

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

**RESPONSE:** As fewer members of society have direct military experience, it becomes increasingly important to maintain the link between the All-Volunteer Force and society at large. The men and women of today's Armed Forces must know that the general population of the country stands behind them, committed to sharing the risks and burdens of military service. Absent the possibility of a draft, the American people will grow ever more distant from the military, from the need to think about America's changing role in a

<sup>9</sup> Download from <http://blog.nassp.org/2016/01/06/principals-school-counselors-and-u-s-army-gather-for-leadership-professional-development>, 24 Oct 17.

<sup>10</sup> Downloaded from [http://www.nlscorps.org/Forms\\_Kernel/AboutUs.aspx](http://www.nlscorps.org/Forms_Kernel/AboutUs.aspx), 24 Oct 17.

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dangerous world, from the debates by their elected leaders on the use of force, and most importantly, from the always deadly decision to go to war.<sup>11</sup>

At first glance, one might think a draft would negatively impact the military ethos. However, a fuller understanding of the trigger that would cause a future draft to happen needs to be known to accurately answer this question. For instance, following the events of 11 Sep 01, patriotism and service to country rose greatly. Had Congress and the President put a draft in place, it is unlikely that public outcry or open resistance to military service would have been displayed.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

RESPONSE: The DoD's Joint Advertising, Market Research and Studies (JAMRS) market research provides valuable insights that quantify perceptions, beliefs, and attitudes of American youth, their likelihood to join the Military, their awareness of and reactions to military outreach efforts and advertising, and other variables that may be related to military recruiting.<sup>12</sup>

The Army Marketing and Research Group (AMRG) measures audience reach from various media purchases (traditional TV, newspaper, radio), social media/web page content, and marketing events held across the country. AMRG also measures the impact the marketing program has on public perception of the Army and whether an individual will consider joining or recommend service in the Army.

Internally, the Army uses snapshot data and longitudinal results from the biennial Center for the Army Profession and Ethic Assessment of the State of the Army Profession (CASAP). The findings contribute to a shared understanding of the Army Profession – informing senior Army leaders on the effectiveness of policies and practices intended to inspire and motivate Army professionals.

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<sup>11</sup> *Report on the Purpose and Utility of a Registration System for Military Selective Service*, p. 13.

<sup>12</sup> Downloaded from <http://jamrs.defense.gov/Market-Research-Studies>, 24 Oct 17.

## AIR FORCE QUESTIONNAIRE

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

**RESPONSE:** United States Air Force

POC: Colonel Pamela Powers/pamela.j.powers.mil@mail.mil/703-697-4356/Office of the Assistant Secretary of the Air Force (Manpower and Reserve Affairs)

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

**RESPONSE:** Yes, per civil service employment law (5 U.S.C. 3328), Air Force military and civilian employment requires male applicants born after December 31, 1959, and at least 18 years of age, to register with the Selective Service System unless certain exemptions are met. An individual's failure to register with the Selective Service is considered an issue of eligibility for appointment, and the Department of the Air Force must follow procedures provided in Title 5 CFR Part 300, Subpart G, Statutory Bar to Appointment of Persons Who Fail to Register Under Selective Service Law, § 300.701-707 when considering such individuals for appointment.<sup>1</sup>

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

**RESPONSE:** Yes, Air Force civilian and military employment requires male applicants born after December 31, 1959, and at least 18 years of age, civil service employment law (5 U.S.C. 3328) to register with the Selective Service System, unless certain exemptions are met.

One of the first steps an Air Force recruiter takes when working with a candidate is to obtain the individual's name and social security number. The recruiter then uses the Selective Service System website to obtain the individual's Selective Service number. This number is needed for processing physical and security clearance documentation.

United States Military Entrance Processing Command (MEPCOM) also requires the selective service number on the MEPCOM Form 680 (a form used to schedule applicants to test, complete a physical and process at the Military Entrance Processing station)<sup>2</sup>.

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<sup>1</sup> Title 5 CFR 300.701. Subtitle G. <https://www.gpo.gov/fdsys/granule/CFR-2012-title5-vol1/CFR-2012-title5-vol1-sec300-701>

<sup>2</sup> DoDI 1304.2, Accession Processing Data Collection Forms; OPM Form OF-306 – <https://www.opm.gov/forms/pdf/fill/of0306.pdf>



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4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

**RESPONSE:** Yes. While the applicant's resume and Security Clearance Investigation paperwork will often provide public service history and Federal experience, the Air Force has no positive requirement for public service for military or civilian candidates. Applications for Air Force enlistment and officer accession require citizenship, employment, and education history. For civilian applications, however, the Air Force cannot use public service history as a means test for employment in accordance with merit system principles.

### RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

**RESPONSE:** The Air Force's primary role in previous drafts was to identify manpower requirements and ensure the number of volunteers for both Active and Reserve Air Force Components met those requirements.

The post WWII draft restored the option to enlist. Men who could meet the qualification standards could join the service of their choice and get a shot at better training and preferred duty assignments. "Historically, inductions accounted for only 30 percent of enlisted manpower. The remaining enlisted men were split evenly between true volunteers and those who were motivated to enlist because of the presence of the draft,"<sup>3</sup> many of which joined the Air Force. Most draftees went into the Army. The Navy and Marine Corps have occasionally issued draft calls to meet temporary shortfalls, but the Air Force has never used the draft.

In past periods when a draft was used, the Air Force Reserve and Air National Guard served as a strategic and operational resource of warfighting capability. The Selective Service Acts of 1948 and 1950, as well as the Military Selective Service Act of 1967 and Selective Service Amendment Act of 1967, allowed for service in reserve components in whole or in part with service in an active component. For example, under the Selective Service Act of 1948, up to 161,000 18 year olds could enlist for one year with a reserve service obligation of six years. Additionally, the act allowed individuals to enlist with reserve units in order to defer active component service.<sup>4</sup>

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<sup>3</sup> Janice H. Laurence, RAND. The All-Volunteer Force: A Historical Perspective, 2006.  
<https://www.rand.org/content/dam/rand/pubs/monographs/MG265/images/webS0840.pdf>

<sup>4</sup> Gerald T. Cantwell, Citizen Airmen: A History of the Air Force Reserve, 1946-1994 (Air Force History and Museums Program), 1997.

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2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

**RESPONSE:** Yes, Air Force civilian and military employment, to include benefit programs, requires male applicants to register with the Selective Service System, unless certain exemptions are met.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

**RESPONSE:** The Air Force Accessions and Training Division, Directorate of Military Personnel Policy would direct Total Force policy established by the US Government, directed through the Office of the Secretary of Defense. In addition, the Air Force would support the manning of the 436 Area Offices that would begin opening in select recruiting station offices across the United States. It is estimated that these offices would be supported by more than 500 Reserve Force Officers representing all branches of the Armed Forces, 1,500 noncommissioned officers recalled from retirement, and 700 State Resource Volunteers.<sup>5</sup>

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

**RESPONSE:** As part of the overall Air Force mission, we are charged to access a diverse, agile, expeditionary force which meets AF mission needs and is responsive to commanders' evolving human capability requirements. If a draft were required there may be an initial impact to the training pipeline scheduling and capacity depending solely on the magnitude of the draft.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

**RESPONSE:** Our role would remain the same as it is today, we would not need it modified in any way.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

**RESPONSE:** No, it does not pose any problems. However, if Congress were to amend the Selective Service Act to require women to register if at least 18 years of age, we would be supportive. As directed by the December 3, 2015 Secretary of Defense memorandum, Implementation Guidance for the Full Integration of Women in the Armed Forces, the Air Force developed an implementation plan for full integration of female Airmen into all Air Force occupations and positions. There are no longer any gender restrictions preventing female service in any military specialty. As such, males and females could also be considered equitably under the Selective Service Act guidelines. It would increase the

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<sup>5</sup> Office of the Under Secretary of Defense for Personnel and Readiness, Report on the Purpose and Utility of a Registration System for Military Selective Service, 13 Jul 2017, p 9.

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potential eligible pool for military service and give the Services the same information on the female population that they currently receive on the male population.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

**RESPONSE:** The U.S. Air Force is the world's preeminent force in air, space and cyberspace. We maintain that distinction by maintaining our objective of global vigilance, reach and power and remaining true to our vision statement: The World's Greatest Air Force—Powered by Airmen, Fueled by Innovation. Through shared values, key capabilities and upholding our Airman's Creed, we continue to achieve our mission and aim high in all we do.

The Air Force supports America's communities and fosters an ethos of military service by defending the nation both at home and abroad, providing emergency response during natural disasters, delivering diverse aviation and ground services, and promoting air, space and cyber power. We educate members and the community on the importance of aerospace and generate interest in Science, Technology, Engineering & Math (STEM) careers through aviation, space and technology focused activities. The Air Force also offers scholarships and bonus opportunities for service as a servicemember or civilian in the Air Force.

As an example of targeted engagements to encourage service, approximately three times per year, the Air Force Recruiting Service invites key education specialists to Randolph Air Force Base for a week to highlight the Air Force mission and those Airmen that execute this mission. In addition, the commander of the Recruiting Service, as well as other members of the leadership team, speak to as many organizations as possible that can carry the Air Force message to our youth. This includes our many veteran organizations as well as organizations involved in STEM activities.

The Air Force Reserve and Air National Guard recruit at the wing level to meet the manning needs of their individual wings, as well as the specific needs of Active, Guard and Reserve (AGR), Individual Mobilization Augmentee (IMA), and Air Reserve Technician (ART) programs. There are Reserve and Guard recruiting personnel worldwide who use a variety of marketing and sales strategies to reach recruiting and end strength goals. Air Force Reserve and Guard recruiters, like the units they support, are engaged with communities, sharing experiences and meanings behind military service and demonstrating the unity and core values of the Air Force.

Air Force Junior Reserve Officer Training Corps (AFJROTC), congressionally mandated per Title 10 USC, develops citizens of character dedicated to serving our nation and community. AFJROTC is not an Air Force accessions program and cadets are never under any obligation to join the military. AFJROTC is a Title 10 US Code mandated citizenship training program that is designed to educate and train high school cadets in citizenship, promote community service, instill personal responsibility, character, and self-discipline. The program achieves this through classroom education in air and space fundamentals and hands on learning opportunities in a number of fun and challenging extra-curricular activities.

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Currently there are 892 units with over 120,000 cadets. Cadets served their communities with over 4.8 million hours of community service over the past three years. AFJROTC generates goodwill for the Air Force and promotes a positive service image. AFJROTC also gives the Air Force “presence” in many areas that are not near an Air Force installation. Bottom line: AFJROTC serves as a strategic citizenship program supporting all types of public service.

As a Total Force partner, the Civil Air Patrol also performs services for the federal government as the official civilian Auxiliary of the U.S. Air Force and for states/local communities as a nonprofit organization. Founded on 1 Dec 1941, Civil Air Patrol is congressionally chartered and operates as a 501(c) (3) nonprofit corporation. Civil Air Patrol operates one of the largest fleets of single-engine piston aircraft in the world (over 560 aircraft), has 1,437 squadrons with 56,000+ volunteer adult and youth members nationwide, who contribute over \$167 million in ‘volunteer’ man-hours/year, serving the disaster relief and emergency service needs of communities, states and the Nation.<sup>6</sup>

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

**RESPONSE:** The Services rely on the Department of Defense’s Joint Advertising, Marketing Research and Studies (JAMRS) organization as the single focal point for identifying and targeting influencers to engender greater likelihood of military service. By understanding the mindset of both the population the Total Force is trying to access, as well as those that influence their decisions, Air Force recruiters are also able to utilize many different tools to educate everyone on service in the Air Force. The Air Force has launched numerous marketing campaigns designed to attract a diverse audience that may not be initially propensed to join the military or the Air Force. The Air Force has produced commercials that feature our diversity and, with data from JAMRS and the Air Force advertising agency of record GSD&M, these commercials are aired in the environments that have the most potential to reach the audience we seek.

The Air Force will continue to identify any barriers that may be overly restrictive to joining the Total Air Force and push recommendations for change. Additionally, as all the Air Force recruiting components look to integrate into a single recruiting organization, laws and authorities dealing with Reserve and Guard components will be reviewed and addressed.

3. How might the execution of a draft change your Agency’s, Department’s, or Organization’s ability to foster a greater ethos of military, national, and/or public service?

**RESPONSE:** At this time, the Air Force can achieve its mission requirements with an all-volunteer force. As fewer members of society have direct military experience, it becomes increasingly important to maintain the link between the All-Volunteer Force and our society at large. Selective Service may be the only remaining thread in American society that ties U.S. citizens to their military. It links the American people to the nation’s wars, and the risks of military service in those wars, through the

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<sup>6</sup> Civil Air Patrol Website: <http://www.gocivilairpatrol.com/>



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fundamental responsibility of defending the country when needed. It also continues to serve a role in protecting American security through deterrence. Selective Service registration in itself may be the only time that young adults have to make a positive action relating to propensity to serve in the United States Armed Forces.<sup>7</sup>

Executing a draft could raise the desire to serve if a clear need is presented to the public. As individuals seek to understand the rules associated with a draft, they may seek additional information and seek to serve in the Air Force Active or Reserve Components. Should a draft be warranted, the increased manning would provide a significant insurance policy against potentially significant threats to our Nation and would increase the potential eligible pool for the needs of the Air Force.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

**RESPONSE:** All three components in the Air Force utilize reports, research, and studies provided and conducted by the Joint Advertising, Market Research and Studies organization. Additionally, the Air Force collects data through surveys on a recurring basis and assesses the information received that is associated with its recruiting programs and activities.

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<sup>7</sup> Office of the Under Secretary of Defense for Personnel and Readiness, Report on the Purpose and Utility of a Registration System for Military Selective Service, 13 Jul 2017, p 15.

## **QUESTIONNAIRE RESPONSE - CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**Note on Definitions:** The FY 2017 NDAA provision authorizing the Commission defines “National Service” as “civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.” The NDAA language defines “Public Service” as “civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.”

CNCS notes that the NDAA definition of national service differs substantially from language contained in longstanding national service laws (Domestic Volunteer Service Act (DVSA) as amended and National and Community Service Act (NCSA) as amended, 42 USC 12511(26)). In these laws, Congress has set forth specific definitions and criteria about “national service positions,” term lengths, eligibility, activities, benefits, and other matters which have guided program implementation for more than 50 years in case of DVSA and nearly 25 years for NCSA. Also, if “civilian employment” is intended to mean traditional employment for wages according to applicable labor laws and regulations, service in AmeriCorps would not be included, since AmeriCorps members earn a subsistence living allowance for national service, not wages for paid employment. Yet AmeriCorps service is activity that “pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health care for the elderly, and other areas considered appropriate by the Commission.

The network of organizations that operate or support national service programs including Governor-appointed State Service Commissions; nonprofit, faith-based and community organizations; higher education institutions; and state, local, and tribal government agencies are accustomed to the definitions of national service contained in CNCS laws, which are closer in meaning to the definition of “Public Service” in the NDAA. CNCS notes this to provide context to the Commission as it begins to hold hearings throughout the country to gather public and stakeholder input on the topics under its review.

As the Commission begins looking at ways to foster a greater attitude and ethos of service among youth and consider methods to increase overall participation in service, CNCS recommends the Commission consider using broader definitions of national and public service in order to include the important role of the nation’s longstanding federally administered national service program AmeriCorps and the role of volunteerism generally as an on-ramp to more sustained forms of military, national, and public service.

When referencing CNCS programs in the answers below, we have primarily focused on experiences and opportunities related to AmeriCorps given the Commission’s focus on young adults and the Selective Service System. However, CNCS strongly believes in the critical role that older Americans play in meeting national and local needs through citizen service. The three Senior Corps programs - Foster Grandparents, Senior Companions, and RSVP – provide significant benefits to communities and those who serve, and there is great potential for expanding service opportunities to tap the lifetime of skills and experience of older Americans to solve problems in their communities.

### **GENERAL AGENCY INFORMATION:**

#### **1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information**

Agency: Corporation for National and Community Service ([www.NationalService.gov](http://www.NationalService.gov))

POC: Sandy Scott, Senior Advisor to the CEO; 202-606-6724 (w); 202-355-2173 (c); [sscott@cns.gov](mailto:sscott@cns.gov)

2. **Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.**

No, there is not a requirement in statute or Executive Order to use Selective Service registration information as a requirement for participating in CNCS programs.

3. **Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.**

CNCS follows Federal law and regulation that every new Federal employee hired provide information regarding their Selective Service registration. This is collected on the Declaration of Federal Employment (OF-306) form that is reviewed prior to an applicant being allowed to start employment.

4. **Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.**

Yes. CNCS evaluates Federal employee applicants based on their employment history as related to our job-specific requirements. This can include public service, Federal employment, private sector experience, and previous military, national service, or volunteer experience. In addition, CNCS uses its existing non-competitive eligibility hiring authority to bring on qualified AmeriCorps VISTA and Peace Corps alumni to Federal positions.

CNCS is a charter member of [Employers of National Service](#), an initiative launched by CNCS, the Peace Corps, and other organizations at AmeriCorps' 20th Anniversary to recognize the valuable skills gained by more than one million Americans who have served in AmeriCorps since 1994 and the 215,000 who have served in the Peace Corps since 1961.

Below is the language used on CNCS job announcements posted on [USAJobs.gov](#):

***Employer of National Service:** As an Employer of National Service, CNCS is committed to providing job opportunities to national service participants. Accordingly, qualified AmeriCorps members (current and former), returned Peace Corps volunteers and other national service participants are encouraged to apply to our positions.*

In addition to federal employment at CNCS, the standard [AmeriCorps application](#) also asks about an applicant's community service history, post-secondary education including military training and employment training programs, and skill areas developed from previous volunteer or community service experience. The application requires a motivational statement that includes describing how an experience sparked the applicant's interest in community service.

Below is the prompting question about Community Service history on the [AmeriCorps application](#):

***Community Service:** (Previous service is not always a requirement.)  
Describe how you have reached out to help others and/or how you have been involved in your own community. Explain why you decided to serve or get involved, and what you received in return-that*

*is, what you learned or how it made you feel. Think in broad terms. List your most recent activity first. Attach a separate sheet of paper if you need more space. (Your involvement could include serving in neighborhood, school, religious, social, professional, or other volunteer groups; helping out with community service projects; or participating in less formal activities.)*

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

- 1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?**

The Corporation for National and Community Service was established in 1993 and as such did not exist during a period when the nation had an active draft. Several CNCS programs operated under a different parent agency during the mid-to late 1960s when a draft was in effect. VISTA, or Volunteers in Service to America, was created in 1965 and administered by the Office of Economic Opportunity until it was transferred to ACTION in 1971. For a period of time between the creation of VISTA in 1965 and start of the Selective Service lottery in 1969, service in VISTA and the Peace Corps was an approved deferment.

- 2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?**

No, CNCS does not administer any program or offer a benefit for which participation in Selective Service is a prerequisite to eligibility or entitlement.

- 3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?**

CNCS does not currently have a statutory or Executive Branch designated role in implementation of a draft if one were to be ordered today.

- 4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?**

It is difficult to project the effect of a hypothetical crisis that would warrant reinstatement of a draft on our agency's programs and operations because it would depend on the nature, extent, and duration of the crisis; whether the crisis was having an impact directly on U.S. or foreign soil, or both; the rules and procedures of a reinstated draft; and other factors. That being said, CNCS has capabilities, experience, infrastructure, and programs that could be activated to provide critical non-military support in the event of a national crisis or attack. Those capabilities and roles include serving individuals and communities recovering from an attack or crisis, supporting citizen preparedness and community resilience efforts, meeting needs of the increased numbers of veterans and military families resulting from a draft, and mobilizing volunteers and donations to support national goals related to a crisis. For purposes of providing context for the Commission's work, this response assumes that the hypothetical event precipitating a draft would be a large-scale attack or national emergency that impacts American lives and property and poses an ongoing threat. There would likely be three general areas our agency's programs and operations could be affected:



- Activation of CNCS Role under the National Response Framework:** The Department of Homeland Security's [National Response Framework](#) (NRF) guides how the nation responds to all types of disasters and emergencies. It describes the principles, roles and responsibilities, best practices, and coordinating structures for managing incidents including large-scale terrorist attacks or catastrophic natural disasters. It includes 15 [Emergency Support Function \(ESF\) Annexes](#) and 8 [Support Annexes](#) that detail the Federal coordinating structures and supporting processes needed in a national response. An event precipitating a draft could also activate the NRF, National Incident Management System, and ESF functions. CNCS has several designated roles under the ESF and Support Annexes and would likely take steps to provide services for survivors of a crisis such as a large-scale terrorist or military attack, as we have done for hundreds of natural and man-made disasters during the past two decades. CNCS is designated in three Emergency Support Functions: Public Works and Engineering (ESF #3); Mass Care, Emergency Assistance, Housing, and Human Services (ESF #6); and Long-Term Community Recovery (ESF #14). CNCS is also a Support Agency for the Volunteer and Donations Management Support Annex.
- Refocus of Existing Programs:** In addition to deployments of national service participants to areas directly affected by an attack or other event, CNCS programs across the country could potentially be called upon to refocus activities to support national goals related to the crisis response. Such activities could include supporting citizen preparedness activities; public safety and homeland security; conservation and recycling; community gardens; public awareness and education; and volunteer mobilization. For example, after the 9/11 terror attacks, CNCS worked closely with the White House to advance a wide range of citizen preparedness, public safety, emergency response, and other service initiatives as part of the [Bush Administration's USA Freedom Corps](#). Additionally, AmeriCorps and Senior Corps members could be needed to help fill vacancies or gaps in teaching, health care, emergency response, or other areas resulting from the relocation of personnel due to the draft. CNCS would also be likely to increase its emphasis on serving the increased number of veterans, active duty troops, and military families that would result from reinstatement of a draft.
- Human Capital Impacts:** Reinstatement of a draft as a result of a national crisis or attack could have a variety of impacts that could increase or decrease participation in CNCS programs. Given the patriotism, public-mindedness, and civic attitudes of AmeriCorps members, some members may exit the program early in order to enlist in the military. Depending on how a draft is implemented (such as whether there would be deferments for AmeriCorps members or other factors) there also could be a downward effect on AmeriCorps enrollment if currently serving members are drafted. Alternatively, if CNCS were to have a role in Selective Service's Alternative Service Program, or if funding were increased in recognition of the increased need for civilian support during a crisis, enrollment in AmeriCorps could increase, perhaps significantly. Given the flexible and scalable nature of the national service network, CNCS would be prepared to work with State Service Commissions, current grantees and project sponsors, and new organizations to expand national service opportunities to meet the increased health, education, public safety, and other needs resulting from an attack or national crisis. Longer term, CNCS may experience increased demand for national service positions after the crisis has subsided, both by returning veterans reintegrating into civilian life and others who want to address ongoing economic, health, and other needs in communities recovering from an emergency.

**5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?**

CNCS does not currently have a statutory or Executive Branch designated role in implementation of a draft if one were to be ordered today.

**6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.**

No.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

**1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?**

As the federal agency for national service and volunteering, fostering an ethic of service and engaging citizens in service is a statutory purpose and operational necessity carried out through recruitment, marketing, volunteer leveraging, national days of service, research, training and technical assistance, and other methods outlined below.

- National Service Recruitment: Each year, CNCS works with thousands of partners to engage approximately 75,000 AmeriCorps members, 240,000 Senior Corps volunteers, and millions of community volunteers in result-driven service at more than 50,000 locations across the country. National service members serve through K-12 schools, higher education institutions, nonprofit and faith-based organizations, public agencies, and tribal and territorial governments. Recruiting qualified applicants to fill national service positions is an important programmatic function. Except for AmeriCorps NCCC, responsibility for recruitment and selection is with the thousands of individual grantees and project sponsors receiving CNCS funds. CNCS supports AmeriCorps recruitment at the headquarters level through its [national recruitment website My AmeriCorps](#); partnerships, marketing and media, and other activities outlined below. CNCS directly manages recruitment and selection for AmeriCorps NCCC since the program is administered by CNCS, and plays a role in AmeriCorps VISTA recruitment marketing, awareness, and support.
- Marketing and Social Media: The CNCS Office of External Affairs communicates with external audiences about agency mission, programs, and initiatives; conducts media relations, produces marketing campaigns and materials, manages branding and online presence and builds communications capacity of grantees. CNCS makes use of digital media to encourage Americans to serve their communities throughout the year on our [NationalService.gov](#) website and multiple social media channels with hundreds of thousands of followers including:
  - Facebook ([National Service](#); [Serve.gov](#); [AmeriCorps](#); [AmeriCorps NCCC](#); [AmeriCorps VISTA](#); [MLK Day](#) and [Senior Corps](#))
  - Twitter ([National Service](#), [Serve.gov](#), [AmeriCorps](#), [AmeriCorps NCCC](#), [AmeriCorps VISTA](#), [Senior Corps](#) and [MLK Day](#))
  - YouTube ([CNCS](#), [Serve.gov](#); [AmeriCorps VISTA](#))
  - Linked In ([AmeriCorps](#)); Instagram ([National Service](#)); Storify ([National Service](#))

CNCS also produces print, broadcast, and billboard PSAs; recruitment materials; leads AmeriCorps Week to highlight the program to potential recruits; and works with national and local media outlets and partner organizations to tell the story of national service members to build public awareness and boost recruitment.

- **Volunteer Leveraging:** CNCS fosters an ethic of service and strengthens and supports volunteers through other programs and initiatives besides AmeriCorps and Senior Corps. CNCS funds Governor-appointed State Service Commissions, many of which promote volunteerism on the state and local level. The CNCS [Volunteer Generation Fund](#) provides grants to strengthen volunteer management practices of organizations across the country. CNCS shares best practices, research findings, and training and technical assistance materials on volunteer management through its [Knowledge Network](#), [Evidence Exchange](#), and national and regional training conferences.
- **National Days of Service:** CNCS was charged by Congress to lead two national days of service. These large-scale events are opportunities to introduce young people to national service and have great potential to expand in the future.
  - *Martin Luther King Day of Service:* In 1994, Congress designated the Martin Luther King Jr. federal holiday as a national day of service to honor Dr. King's legacy through acts of service that bring Americans together to improve their communities. CNCS awards grants, provides planning and communications tools, develops signature events, and works with its nonprofit, corporate and government partners to support MLK Day of Service projects.
  - *September 11th National Day of Service and Remembrance:* As part of the 2009 Serve America Act, Congress created the [September 11th National Day of Service and Remembrance](#) to encourage Americans to engage in service and remembrance activities on and around the September 11th anniversary as a tribute to 9/11 victims, survivors, and those who rose up in service in response to the attacks.
- **Call to Service Initiatives:** CNCS has worked closely with previous Administrations to support Presidential call to service initiatives to promote service and connect Americans to volunteer opportunities. After 9/11, CNCS built and managed the USA Freedom Corps website at Volunteer.gov during the Bush Administration and the United We Serve website at Serve.gov under the Obama Administration. These websites supported the President's call to service and Administration service initiatives, featured a volunteer search engine for Americans to find volunteer opportunities, provided tools and resources to organizations, and told stories of volunteers.
- **Recognition and Award Programs:** CNCS administers several volunteer recognition award programs which help highlight the impact and importance of national service and volunteerism. The [President's Volunteer Service Award](#) is the nation's premier volunteer awards program, encouraging citizens to live a life of service through presidential recognition. More than two million awards have been given out through this program. The [Tom Harkin Excellence in AmeriCorps Awards](#) recognize outstanding and innovative AmeriCorps programs and members that are tackling the nation's most pressing challenges. Between 2006 and 2015, CNCS partnered with the U.S. Department of Education to administer the [President's Higher Education Community Service Honor Roll](#), an annual awards program highlighting the key role colleges and universities play in service and civic engagement by recognizing institutions that promote community service, service-learning, and community impact.

**2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?**

- Develop Marketing Materials for Parents about the Benefits of National Service: Parents are often the most important influencers in the post-secondary choices of their children. To encourage more participation in service, specific messages and materials could be shared through the media, high schools and college guidance offices, religious organizations, and other networks that reach parents. Young people – and their parents – should have the opportunity to learn and be inspired by the wide range of opportunities in military, national, and public service.
- Conduct and Disseminate Research on the Benefits of Military, Nation, and Public Service: While an extensive body of research has been developed about the benefits of service to individuals, more could be done to share this research with young people and their influencers. For example, the CNCS “[Volunteering as a Pathway to Employment](#)” research provides compelling empirical evidence establishing an association between volunteering and employment. This research found that volunteers have a 27 percent higher likelihood of finding a job after being out of work than non-volunteers, and for volunteers without a high school diploma, the likelihood increases to 51 percent. Other research has found that 80 percent of alumni say AmeriCorps benefited their career path, and 42 percent of alumni employed within six months of service found a job through AmeriCorps. Preliminary findings from an Arizona State University study found that 82 percent of AmeriCorps host organizations hired at least one AmeriCorps member. The positions are typically full-time, and more than half the jobs are newly created.
- Provide Information on Service Opportunities to Young Adults Registering for Selective Service: Current law requires all males turning 18 to register with Selective Service System. As part of this process – and in order to foster greater awareness and involvement in all forms of service – a mailer could be sent to registrants with basic information about options for serving your country including military, national, and public service options including AmeriCorps.
- Sign Up More Employers of National Service: As noted above, national service is a pathway to employment that helps participants gain valuable career skills and experience to prepare them for work. Young people (and their influencers) are interested in how their post-secondary choices will affect their chances in the job market. While more than 500 organizations with 2.4 million employees have become Employers of National Service, this is a modest number that could significantly increase if a concerted effort were made.
- Engage Clergy and Coaches: Faith-based organizations have a long and active tradition of service to the community, and a number of faith-based groups currently are CNCS grantees supporting education, health, poverty and other community needs. Given this tradition and their connection to millions of youth, additional efforts could be made to provide information about service opportunities to faith-based leaders. Likewise, coaches have an important influence on young people and they could play an expanded role in promoting service opportunities.
- Provide Information on Service Opportunities for Unqualified Armed Forces Applicants: CNCS has been working with the Department of Defense on an initiative to provide information about AmeriCorps service opportunities to individuals who have expressed interest in serving their country in the military, but for a variety of reasons, were not qualified to do so because they were unable to meet physical requirements, educational requirements, or they have a disability. These



individuals have already shown a desire to serve their country and may be interested in serving in a mission on the home front if they were presented information about available opportunities.

**3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?**

As noted in response to Questions 2- 4 above, CNCS has capabilities, experience, infrastructure, and programs that could be activated to provide critical non-military support in the event of a national crisis or attack requiring reinstatement of a draft. It is difficult to project the impact of a potential draft on our ability to foster an ethos of service because it would depend on the role that CNCS would play in response to a crisis that might warrant a draft or the draft itself.

**4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?**

Through its Office of Research and Evaluation and program offices, CNCS uses a number of metrics to assess the current ethos of service, including:

- Data on AmeriCorps recruitment, including trends in applications, applicants, and fill rates.
- Annual data from our [Volunteering and Civic Life in America](#) research on volunteer rates, trends, and demographics, including volunteer rates for late teens and young adults. CNCS conducts the Volunteering and Civic Life in America research in partnership with the Bureau of Labor Statistics and the U.S. Census Bureau. It provides the most comprehensive look at volunteering and civic life in the nation. Data includes volunteer rates and rankings, civic engagement trends, and analysis.
- Research on AmeriCorps (or volunteering more generally) on motivations and barriers to serve.

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, the Commission requests DHS respond to this survey with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

Department of Homeland Security, Office of the Chief Human Capital Officer, Strategic Recruitment, Diversity and Inclusion, Sharon Wong, sharon.wong@hq.dhs.gov, (202) 357-8154.

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

Yes, the Department of Homeland Security follows the statute and regulation of title 5 United States Code (U.S.C) § 3328 - Selective Service registration, title 5 Code of Federal Regulations (CFR) 300.701, and title 5 CFR 300.704. The Selective Service registration status statement is included in the job opportunity announcement (JOA). All DHS operational staffing offices are required to use DHS JOA templates and JOA checklist (attached).

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

Yes, DHS's operational staffing offices are required to certify Selective Service registration of applicants. DHS operational offices follow the regulations outlined in title 5 CFR Part 300, Subpart G. The DHS JOA templates (attached) state that the Selective Service System registration requirements are embedded automatically by USAJOBS into the JOAs. The JOA templates are disseminated and used in the Components' hiring offices. In the event an applicant reveals they have not registered, DHS is required to follow title 5 CFR 300.705 (attached), and utilize a Selective Service Determination Request Checklist (attached) to collect the information necessary to resolve the discrepancy. Both the JOA templates and the checklist were developed by the DHS Office of Chief Human Capital Officer.

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

DHS is required by law to follow title 5 CFR Part 338.101 (attached). During the on-boarding process, DHS's operations offices human resources specialists verify employment eligibility by confirming the information submitted on the Form I-9, *Employment Eligibility Verification*, (attached) through DHS's E-Verify system. The E-Verify system was implemented by DHS's United States Citizenship and Immigration Services and operates in collaboration with the Social Security Administration (SSA). It allows employers to compare information provided by applicants on the Form I-9 against information in SSA and DHS databases in order to verify that an applicant is authorized to work in the U.S., either because he is a U.S. citizen or is a non-citizen whom the United States has granted work authorization. E-Verify was mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

DHS collects the Optional Form (OF) 306, *Declaration for Federal Employment* (attached), from applicants in order to collect information about an applicant's history as an advance screening process prior to the suitability investigation that is required for appointment in a covered position. The applicant is asked to complete this form during the application process, as is required by the Office of Personnel Management per title 5 CFR §300.704(b) (attached).

#### **RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

The DHS was established in 2003 and did not play a role in implementing the draft. The draft expired on June 30, 1973; however, the Coast Guard, which operated under the Department of Transportation prior to the establishment of the DHS, existed during the Vietnam War. As an Armed Service, citizens who were drafted could theoretically be assigned to the Coast Guard. The exact number of draftees, who were ordered to serve in the Coast Guard, if any, is unknown. Rather, it was a common practice for civilians to join the Coast Guard and other Services that were less likely to be involved with traditional combat roles (which is why a vast majority of draftees were directed to serve in the Army, and virtually the balance served in the Marine Corps).

2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

Yes, DHS follows the regulations outlined in title 5 CFR Part 300, Subpart G. The benefit of federal employment is offered only to those who have either registered with the Selective Service System (SSS), or have been found exempt from registration by the SSS, or by the Office of Personnel Management.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

Yes, the Coast Guard would play a similar role as during the Vietnam War. It's possible, however, that the outcome might be similar – the Coast Guard could become highly desirable, subsequently leading to the Service becoming more selective in choosing civilians for both the enlisted and officer ranks (thereby reducing or eliminating the need for draftees to be assigned to the Coast Guard).

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

Due to the law enforcement nature of many of our positions, DHS would potentially be negatively impacted by a draft, both in terms of individuals pulled from DHS to serve in the armed forces, and in terms of being able to recruit replacements from the general public.

Additionally, the Coast Guard is currently near or at capacity. An event that would require a draft would mean that Coast Guard priorities would need to shift – many of Coast Guard's U.S. based missions would likely suffer reductions in service if required to deploy significant numbers of members internationally. If the Congress authorized and appropriated additional military or civilian billets, Coast Guard would likely be able to recruit high-caliber candidates that would increase Coast Guard capacity both home and abroad.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

DHS would continue to collect the Optional Form 306 (attached) and comply with the requirements of the military selective service process.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

One potential problem is processing time for the evaluation and request for approval of waivers for those who failed to register due to being exempt, or for those whose failure to register was not "knowing or willful," as this can add several weeks to the time to hire.



**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

DHS, in its very mission and history, is predicated on the notion of public service and duty to the American people -- to keep the homeland safe, secure, and resilient. This is evident in the DHS-specific leadership competencies that underscore the Department's Leader Development Framework. Our Core Foundations competencies expected of the entire workforce include Public Service Motivation, Community Preparedness and Participation, and Maintaining Global and Cultural Acuity, along with competencies such as Integrity/Honesty and Resilience. Additionally, our Framework includes a set of Homeland Security competencies such as Crisis Management, Joint Perspective, and Risk Management, which speak to the principles that embody public service, national, and military ethos.

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

DHS conducts recruiting and outreach activities to hundreds of educational institutions ranging from elementary schools to colleges and universities, reaching students, parents, teachers, coaches, counselors, etc. By promoting the Department as an employer of choice, DHS staff are promoting public service and the benefits of working for the federal government. DHS also engages in nationwide webinars with academic institutions and organizations to promote awareness about the department's student programs and internship opportunities. DHS would continue to use social media to provide information on DHS careers and current opportunities.

The Coast Guard would continue to stress its value proposition as an Armed Service, both in traditional combat and law enforcement missions, as well as in its other 10 statutory missions

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

Because DHS has a national security mission, its role would remain vital during a draft, therefore depending on the public perception of a draft or the cause of it, the ethos of national and public service would likely remain strong, especially among those who want to serve but are not eligible for a draft.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

The Federal Employee Viewpoint Survey (FEVS) consistently reveals that the DHS workforce is committed to their work and inherently believe they are contributing meaningfully to this Nation's well-being. Questions on the FEVS related to public service and mission alignment demonstrate year after year that despite external challenges, intrinsic public service motivation is a significant asset to the DHS ability to successfully deliver its vital missions.

All DHS components and Headquarters Program Offices have the capability to access front-end application and back-end applicant flow data, through their perspective application manager systems. Though voluntary, applicant flow data may be used to assess and improve recruitment efforts to reach all segments of our population. Some metrics assessed include, but limited to: applicant demographics (ethnicity, race, gender, disability and veterans status), occupations, occupational locations, grade, series, etc. Some DHS components also use web analytic services such as Google Analytics, etc. to identify potential applicants and this helps with tailoring marketing efforts.



DHS-5 CFR 300.704  
- Considering indivi-



DHS-5 CFR 300.701  
- Statutory requirem-



DHS-5 CFR 300.705  
- Agency action follon\_JOA\_Template 04



DHS\_Merit\_Promoti  
- Citizenship.pdf



DHS-5 CFR 338.101  
- Citizenship.pdf



DHS-Delegated\_Exa  
mining\_JOA\_Templa



DHS\_Excepted\_Servi  
ce\_JOA\_Template 04



DHS\_Streamlined\_J  
OA\_Checklist.pdf



DHS-i-9-paper-versi  
on.pdf



DHS-OF-306.pdf



DHS-Selective-Servi  
ce-Determination-Rc

Department of Homeland Security (DHS)  
Office of Chief Human Capital Officer (OCHCO)  
Creation Date 03/31/2016

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### Selective Service Determination Request Checklist

DHS Components include the following information in Selective Service System Registration Waiver Determination request packages submitted to the DHS OCHCO for OPM approval. Visit the [Selective Service website](#) for additional information.

- ☐ **Statement of Selective Service Status.** The applicant or employee should complete this form during the application process. The Office of Personnel Management (OPM) requires a copy of the completed form. See 5 CFR §300.704(b).
- ☐ **Written Notice from Component to applicant/employee** informing him he is ineligible for appointment unless his failure to register was neither knowing nor willful and that OPM will review the information and make a determination. See 5 CFR §300.705(d)(1).
- ☐ **Written request from applicant/employee to OPM** for a decision, including an explanation of his failure to register. This form cannot be created or signed by the human resources specialist. See 5 CFR §300.705(d)(2).
- ☐ **Written request from agency to OPM** for a decision. See 5 CFR §300.705(d)(2).
- ☐ **Copy of individual's full application.** See 5 CFR §300.705(d)(2).
- ☐ **Copy of Declaration of Federal Appointment, Optional Form 306**
- ☐ **Selective Service Status Letter (SIL)**
- ☐ **DD Form 214**, if applicant is a veteran. If on active duty military service entire registration period, individual is exempt from registration requirements.
- ☐ **Documentation supporting the omission or failure to register was neither a knowing or willful act** (e.g., citizenship documents, copies of student visas, point-of-entry forms).
- In general, the burden of proof rests with the applicant/employee. He must provide a valid explanation of failure to register.
- Be sure to check the individual's birth date. If born before December 31, 1959, a selective service registration was not required.
- Special Note: Registration for the draft was discontinued on March 29, 1975, by Presidential Proclamation No. 4360. On July 2, 1980, the President, by Proclamation No. 4771, ordered the registration to commence for specified groups of young men pursuant to the authority conferred by the Act.



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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### Requirements

To ensure consistency in JOAs across DHS, the DHS Office of the Chief Human Capital Officer (OCHCO) developed JOA templates for use when filling vacant positions across the Department. This excepted service JOA template provides Components with information to be included in excepted service announcements when using a JOA as a method for notifying applicants of an excepted service job opportunity within their Component. This template applies to positions advertised at the General Schedule (GS)-15 grade level (or equivalent) and below. It does not apply to the Pathways Programs (Schedule D), Senior Executive Service (SES), Senior Leader (ST/SL), or Administrative Law Judge positions. This guidance applies to all DHS Components, unless exempted by statutory authority or federal regulatory authority.

Components must use this template as a guide to streamline excepted service JOAs in conjunction with the [DHS Streamlined Job Opportunity Announcement Checklist](#).

The following language is mandatory for use:

- The **Common Definitions** under the “Who May Apply” section. The common definitions address hiring terms found in JOAs and cannot be modified. Components must [link to the Common Definitions](#).
- The **Consistency with All Applicable Authorities Statement** in the “Job Summary” section. The statement provides notice that offers must be consistent with all applicable authorities, and cannot be modified.
- The **DHS Branding Statement** under the “Job Summary” section. The DHS Branding Statement cannot be modified; however, Components may add their own branding language after the DHS Branding Statement. Additionally, Components may add DHS occupation-specific branding language following their Component branding statement. Note: Occupation-specific branding statements that cover more than one Component must be approved by OCHCO.
- The **Shared Certificates Statement** under the “Job Summary” section. The statement provides notice that applications may be shared between DHS Components, and cannot be modified.
- The **National Service Experience Statement** under the “Qualifications” section. The National Service Experience statement cannot be modified; however, Components may insert additional information about their unique Component qualifying volunteer experiences.
- The **Current or Former Political Appointees Statement** under the “Qualifications” section. The statement provides information pertinent to current or recent political appointees, and cannot be modified.
- The **Benefits Statement** under the “Benefits” section. The benefits statement cannot be modified; however, Components may insert additional information about unique Component benefits.
- The **E-Verify Statement** under the “Other Information” section. The E-Verify statement cannot be modified; however, Components may insert additional information about their unique requirements.
- The **Suitability Statement** under the “Other Information” section. The suitability statement must be selected from the two options provided, based on whether or not OPM has authorized an exception request for the timing of suitability inquiries for the position. The suitability statement cannot be modified.

All JOAs must adhere to the following general guidelines:

- Use plain language without federal jargon
- Employ active voice writing style and friendly tone, including using the word “you” instead of “incumbent”
- Avoid negative statements (e.g., “You will be rated INELIGIBLE if you do not submit a SF-50”)
- **Exclude** written essay-style questions or narratives as part of the **initial** application process
- Meet the Office of Personnel Management’s (OPM’s) [resume-only criteria](#) listed in the DHS Hiring Reform Guidance 2, Section II, B. 1(a) & (b)
- Should not include a requirement that applicants be currently or recently employed. Rating criteria for JOAs should generally not address recency of employment experience
- Be no more than five pages in length, unless an exception has been granted by DHS OCHCO
- Contain a human resources/employer contact name, phone, and/or email address
- **Be grammatically correct, contain no spelling errors, and use the same font consistently throughout the JOA**

### Template Set-Up

The template aligns with the sections identified in USAJOBS. Each section (highlighted in **green text**) begins with a list of mandatory information required in the JOA. Next, a “formula” provides a basic format for writing the language in the



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

Rev 04/2017

section. Finally, there are examples of different ways to draft the section. **Red text** indicates where Components must fill in language and **dark blue text** indicates web links.

**Note:** Information regarding reasonable accommodation, EEO policy statement, Selective Service requirements, and other legal and regulatory information is embedded in USAJOBS and appears automatically.

### Who May Apply

- U.S. Citizens [If JOA is open to external applicants] OR
- Internal Employees/Agency Employees Only [If internal JOA]
- [Required in all DHS JOAs] View [common definitions](#) of terms found in this announcement

### Job Summary

- ☐ Use mandatory **Consistency with All Applicable Authorities Statement** below
- ☐ Use mandatory **DHS Branding Statement** below
- ☐ Use **Component Branding Statement** (optional)
- ☐ Use **Occupation-Specific Branding Statement** (if applicable)
- ☐ Provide a high-level overview of the job in one to two sentences
- ☐ Describe the position's impact on agency mission
- ☐ Provide information to applicants on career progression, if applicable
- ☐ Use mandatory **Shared Certificates Statement** below

#### **Mandatory Consistency with All Applicable Authorities Statement**

Any offers of employment made pursuant to this announcement will be consistent with all applicable authorities, including Presidential Memoranda, Executive Orders, interpretive U.S. Office of Management and Budget (OMB) and U.S. Office of Personnel Management (OPM) guidance, and Office of Management and Budget plans and policies concerning hiring. These authorities are subject to change.

#### **Mandatory DHS Branding Statement**

The Department of Homeland Security (DHS) is calling on those who want to help protect American interests and secure our Nation. DHS Components work collectively to prevent terrorism; secure borders and our transportation systems; protect the President and other dignitaries; enforce and administer immigration laws; safeguard cyberspace; and ensure resilience to disasters. We achieve these vital missions through a diverse workforce spanning hundreds of occupations. Make an impact; join DHS.

#### **Component Branding Statement**

[Insert Component Branding Statement – it should be 2-3 sentences and link to Component Web site.]

#### **Occupation-Specific Branding Statement**

[Insert Occupation-Specific Statement – it should be 2-3 sentences.]

#### **Job Summary**

**Job summary formula:** [1-2 sentence high-level overview of the job] + [1 sentence impact on the agency mission] + [1 sentence on career progression with salary ranges (do not just refer to a GS grade (or equivalent band) level)].

#### **Job Summary Example 1:**

This position is ideal for an expert human resources (HR) professional looking for an opportunity to shape DHS staffing policy, including collaborating with experts in other functional areas to develop integrated HR policy recommendations. This position starts at a salary of \$XX,XXX (GS-XX grade level), with promotion potential to \$XX,XXX (GS-XX grade level). Apply for this exciting opportunity to become a member of the Policy and Programs Team in the DHS Office of the Chief Human Capital Officer (OCHCO).

#### **Job Summary Example 2:**

Joining the DHS Office of Intelligence & Analysis (I&A) will allow you to use your expertise to assess present and future homeland security threats. This intelligence analyst position starts at a salary of \$XX,XXX (GS-XX grade level), with promotion potential to \$XX,XXX (GS-XX grade level). Apply for this exciting opportunity to strengthen the Department's



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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and our partners' ability to perform their homeland security functions by accessing, integrating, analyzing, and sharing relevant intelligence and information.

### ***Mandatory Shared Certificates Statement***

Applying to this announcement certifies that you give permission for DHS to share your application with others in DHS for similar positions.

### **Relocation Authorized**

☐ Indicate whether relocation is authorized.

### **Key Requirements**

- ☐ Include statements regarding employment requirements (e.g., U.S. citizenship, Selective Service registration, clearance level, drug testing, residency requirements, etc.)
- ☐ **Exclude** information that is not a requirement of the job (e.g., relocation/retention/recruitment incentives will not be paid, etc.)
- ☐ For clarification purposes, key requirement statements should not be combined.

### ***Key Requirements Examples:***

- You must be a U.S. citizen to apply for this position
- You must successfully pass a background investigation
- You must be able to obtain [insert clearance level] security clearance
- This position has been identified as a Testing Designated Position (TDP) for purposes of the DHS Drug-Free Workplace program.
- You will be required to undergo random drug testing.
- Applicants tentatively selected for this position will be required to submit to a drug test to screen for illegal drug use. A final offer of employment is contingent upon a negative drug test result.
- Up to \_\_\_% travel is required
- You will be required to carry a firearm
- You must be able to meet job-related medical and/or fitness standards
- Financial disclosure is required
- You must sign a mobility agreement and be willing to relocate as necessary
- Selective Service registration required
- You must meet the residency requirements outlined in the Other Information section of this job announcement

### **Duties**

- ☐ List three to five major duties in bullet format (do not copy and paste from a position description)
- ☐ Begin each duty with an action verb
- ☐ List duties in a logical order
- ☐ Write the duties in a way the applicant can visualize/assess whether the position is a good fit
- ☐ Describe typical work assignments and team composition
- ☐ Emphasize value employee will create

**Duties formula:** [1-2 sentences to introduce the job duties] + [bullet 3-5 major duties, starting each bullet with an action verb]

### ***Duties Example 1:***

In this position, you will become a key member of a team of human resources (HR) professionals in a pivotal policy role from day one. You will build project teams and collaborate closely with others throughout the federal HR community.

Typical work assignments include:

- Conducting analyses, evaluations, examinations, or other fact-finding studies related to staffing policy
- Managing projects to develop Department-wide staffing policy
- Developing innovative approaches to DHS hiring practices
- Providing expert technical guidance on staffing issues to leadership and field HR offices



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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### *Duties Example 2:*

Being a criminal investigator makes you a valuable member of the federal Law Enforcement Officer (LEO) profession. You will conduct criminal investigations and prepare for the prosecution of major criminal violators. Typical assignments include:

- Reviewing laws and regulations
- Applying basic investigative techniques and procedures
- Interviewing employees, government and private sector officials, and others to verify facts and specific information
- Securing signed statements, affidavits, and documentary evidence to be included in reports or case records
- Preparing reports

### **Qualifications Required**

- ☐ Use clear qualification requirements for each grade level
- ☐ Include selective placement factors, if any
- ☐ Describe specialized experience in a way the applicants will understand
- ☐ Include mandatory ***National Service Experience Statement***
- ☐ Include mandatory ***Current or Former Political Appointees Statement***
- ☐ Eliminate federal jargon
- ☐ Use specific examples in defining specialized experience at the next lower grade level
- ☐ Provide timeframe for when qualifications must be met (e.g., by the close of the announcement, 30 days after the closing date, etc.)
- ☐ **Exclude** time-in-grade language
- ☐ **Exclude** references to OPM's Qualification Standards Manual

**Qualifications formula:** [insert grade level] + [describe specific examples of specialized experience at the next lower grade level] + [describe education requirements/substitution, and/or selective placement factors, if applicable]

### *Qualifications Example 1 without Education:*

You qualify for the GS-13 grade level (starting salary \$XX,XXX) if you possess one year of specialized experience at the GS-12 grade level performing duties such as:

- Researching, interpreting, and reviewing staffing laws, regulations, policies
- Developing agency-wide staffing procedures
- Providing technical guidance on staffing issues
- Writing documents for a variety of audiences to convey complex or highly technical information

### *Qualifications Example 2 with Education Substitution:*

You qualify for the GS-07 grade level (starting salary \$XX,XXX) if you possess one of the following:

- A. One year of specialized experience at the GS-05 grade level that demonstrates the ability to advise and make recommendations concerning administrative operation of an organizational unit, answer questions/provide advice about organizational policies and procedures, compose letters and memoranda, and maintain schedules; **OR**
- B. A bachelor's degree with superior academic achievement, which is based on (1) class standing, (2) grade-point average, or (3) honor society membership. Go to [Application of Qualification Standards, Section 4. 'Educational and Training Provisions or Requirements,'](#) Subpart F., 'Superior academic achievement,' to see if you qualify under this provision; **OR**
- C. One full year of graduate level education at an accredited or pre-accredited college or university; **OR**
- D. A combination of successfully completed post-high school education and experience. This will be calculated using your resume and unofficial transcripts or a list of courses/course hours submitted with your application.

### *Selective Placement Factor (If applicable)*

In addition to the minimum qualifications described above, you must meet the following requirement(s) to be considered qualified for the position: [insert selective placement factor].



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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### ***Mandatory National Service Experience (i.e., volunteer experience) Statement***

Experience refers to paid and unpaid experience, including volunteer work done through National Service programs (e.g., Peace Corps, AmeriCorps) and other organizations (e.g., professional; philanthropic; religious; spiritual; community, student, social). Volunteer work helps build critical competencies, knowledge, and skills and can provide valuable training and experience that translates directly to paid employment. You will receive credit for all qualifying experience, including volunteer experience.

### ***Qualifications Must Be Met***

The qualification requirements listed above must be met by [insert when must be met, e.g., by the closing date, or within 30 days of closing] of this announcement.

### ***Mandatory Current or Former Political Appointees Statement***

The Office of Personnel Management (OPM) must authorize employment offers made to current or former political appointees. If you are currently, or have been within the last 5 years, a political Schedule A, Schedule C, Non-career SES or Presidential Appointee employee in the Executive Branch, you must disclose this information to the Human Resources Office.

### ***How You Will Be Evaluated***

- ☐ Explain the evaluation process in plain language (e.g., "You will be evaluated based on your resume and responses to the job questionnaire")
- ☐ Describe the type of assessment test (e.g., self-assessment questionnaire, panel review, automated skills assessment, etc.)
- ☐ State the basis of rating and ranking method in plain language
- ☐ Describe quality categories for category grouping, if applicable
- ☐ Identify major competencies or knowledge, skills, and abilities (KSAs) needed to perform the job
- ☐ Identify when interviews are required in order to receive further consideration.

**How you will be evaluated formula:** [explain evaluation process (e.g., structured interviews, assessment questionnaires, ranked or unranked method, etc.)] + [list KSAs/competencies required for the job] + [If interviews are required, insert interview requirement language]

### ***Suggested How You Will Be Evaluated Language: Numerical Ratings, if not Professional or Scientific***

We review your resume and supporting documentation to ensure you meet the minimum qualification requirements. If you meet the minimum qualifications, we will [insert assessment technique, e.g., use a job questionnaire] to assign numerical scores on a scale of 100. Applicants who meet the qualification requirements for the position are assigned a rating of 70 or more and are eligible for appointment. Candidates scoring 70 or more receive additional points for veterans' preference (**Note to HR: See 5 CFR § 302.302(b) for language above. DHS Components must follow Order A under 5 CFR § 302.304 when considering applicants who receive numerical ratings because DHS did not elect to establish a Reemployment List under 5 CFR 302.303(c.) Veterans' preference is granted in accordance with title 5, Code of Federal Regulations (CFR) § 302.201, unless specifically excluded by authority, statute or E.O.**)

### ***Suggested How You Will Be Evaluated Language: Unranked Method***

We review your resume and supporting documentation to ensure you meet the minimum qualification requirements. Applicants who meet the minimum qualifications are considered in the following order: (1) preference eligibles having a compensable service-connected disability of 10% or more; followed by (2) other 10-point preference eligibles; (3) 5-point preference eligible; and (4) non-preference eligibles (i.e., non-veterans). (**Note to HR: See 5 CFR § 302.304(b)(5)**)

### ***Suggested How You Will Be Evaluated Language: Category Grouping***

We review your resume and supporting documentation to ensure you meet the minimum qualification requirements. If you meet the minimum qualifications, we [insert assessment technique, e.g., use a job questionnaire] to place you in one of three categories based on your experience, education and training. The competencies or knowledge, skills, and abilities needed to perform this job are:

- [List Competencies or KSAs]

If you meet the minimum qualifications, you will be placed in one of the following categories:



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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1. **Best-Qualified:** Applicants possessing experience that substantially exceeds the minimum qualifications of the position and demonstrate high proficiency in all of the critical competencies, including all Selective Placement Factors (SPF) and appropriate Quality Ranking Factors (QRF) as determined by the job analysis.
2. **Well-Qualified:** Applicants possessing experience that exceeds the minimum qualifications of the position and demonstrates acceptable proficiency in all of the critical competencies, including all SPFs and appropriate QRFs as determined by the job analysis.
3. **Qualified:** Applicants possessing experience that meets the minimum qualifications of the position and demonstrate basic proficiency in most of the critical competencies, including all SPFs and appropriate QRFs as determined by the job analysis.

If you are best qualified, you may be referred to the hiring manager for consideration and may be called for an interview. Preview the [job questionnaire](#) [insert job questionnaire link].

**Veterans:** Veterans who have a compensable service-connected disability of at least 10% are listed in the best-qualified category, except when the position being filled is scientific or professional at the GS-09 grade level, or higher. (This position [is or is not] considered scientific/professional.) Other 10-point preference eligibles and veterans with 5-point preference who meet the eligibility and qualification requirements are placed above non-preference eligibles within the category in which they qualify. View information on [veterans' preference](#).

(Note to HR: Procedures similar to category rating may be established per 5 CFR § 302.105 and must be documented.)

**Interview Requirement (If Applicable):** Interviews are required for this position. Failure to complete the interview may result in removal from further consideration.

### Benefits

- ☐ Use the mandatory DHS benefits language below
- ☐ Describe any unique benefits or benefits you would like to highlight, if applicable (e.g., flexible work schedule, telework, recruitment incentives, relocation incentives, student loan repayment, etc.)

### Mandatory DHS Benefits Statement

DHS offers competitive salaries and an attractive benefits package, including: health, dental, vision, life, and long-term care insurance; retirement plan; Thrift Savings Plan [similar to a 401(k)]; Flexible Spending Account; Employee Assistance Program; personal leave days; and paid federal holidays. Other benefits may include flexible work schedules; telework; tuition reimbursement; transportation subsidies; uniform allowance; health and wellness programs; and fitness centers. DHS is committed to employee development and offers a variety of employee training and developmental opportunities. For more information, go to the [DHS Careers](#) website and select "Benefits." [Disabled veteran leave](#) will be available to any Federal employee hired on or after November 5, 2016, who is a veteran with a service-connected disability rating of 30 percent or more.

### Other Information

- ☐ Include any other information not covered elsewhere in the JOA, which may include additional detail about firearms requirements, travel requirements, clearance level, mandatory fitness requirements, etc.
- ☐ Do not repeat information found in other sections of the JOA
- ☐ Use the mandatory **DHS E-Verify Statement** below.
- ☐ Use the mandatory **DHS Suitability Statement** below.
- ☐ Indicate whether the position to be filled is one where the requisite level of background investigation automatically requires a credit check after initial job qualifications have been met, or one where the requisite level of investigation does not automatically require a credit check (with the understanding that even where a credit check is not automatically required, it may later be required if the initial investigation surfaces a potential issue). (See also the financial suitability language and [Mythbusters on Federal Hiring Policies](#) embedded in USAJOBS in the Help Center at the bottom of each page.)

### Mandatory E-Verify Statement

DHS uses E-Verify, an Internet-based system, to confirm the eligibility of all newly hired employees to work in the United States. Learn more about [E-Verify](#), including your rights and responsibilities.



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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### *Mandatory Suitability Statement*

#### **[Select one of the following statements]**

**[If OPM has authorized an exception request for the timing of suitability inquiries for the position, use this statement]**

Pursuant to an exception granted by the Office of Personnel Management (OPM), your application must contain a completed [Optional Form 306, Declaration of Federal Employment](#). If you receive a conditional offer of employment for this position, you will be required to update your OF-306, and to again sign and certify the accuracy of all information in your application, prior to entry on duty. False statements on any part of the application may result in withdrawal of offer of employment, dismissal after beginning work, fine, or imprisonment.

**[Otherwise, use this statement]** If you receive a conditional offer of employment for this position, you will be required to complete an [Optional Form 306, Declaration of Federal Employment](#), and to sign and certify the accuracy of all information in your application, prior to entry on duty. False statements on any part of the application may result in withdrawal of offer of employment, dismissal after beginning work, fine, or imprisonment.

### *Suggested Background Investigation Language*

#### **[Ensure consistency with the selected Suitability Statement]**

**Background Investigation:** To ensure the accomplishment of our mission, DHS requires every employee to be reliable and trustworthy. To meet those standards, all selected applicants must undergo and successfully pass a background investigation for **[insert clearance level]** as a condition of placement into this position. This may include **[insert type of information that may be reviewed in investigation, e.g., a credit check [before or after] initial job qualifications are determined, a review of financial issues such as delinquency in the payment of debts, child support and/or tax obligations, as well as certain criminal offenses and illegal use or possession of drugs.]**

### *Recommended Special Hiring Authority Language*

[Veterans](#), [Peace Corps/VISTA volunteers](#), and [persons with disabilities](#) possess a wealth of unique talents, experiences, and competencies that can be invaluable to the DHS mission. If you are a member of one of these groups, you may not have to compete with the public for federal jobs. To determine your eligibility for non-competitive appointment and to understand the required documentation, click on the links above or contact the Servicing Human Resources Office listed at the bottom of this announcement.

### *How to Apply*

- ☐ Provide a simple explanation of how to submit application
- ☐ Describe the different options for applying, i.e., online, via mail or fax
- ☐ Identify all required documents and relevant information needed to apply
- ☐ **Exclude** requests for unnecessary documentation from the applicant, e.g., if education cannot be used to qualify, do not ask for a transcript
- ☐ **Exclude** the text of the entire assessment questionnaire from the body of JOA

### *Suggested USA Staffing Language*

Your application must be received by 11:59PM EST on **[insert closing date]**. To begin your online application, click the Apply Online button and follow the prompts to register or sign into USAJOBS, take the online questionnaire, and submit the required documents. See Required Documents section for more detail.

We strongly encourage you to apply online. If you cannot apply online, you may FAX your resume, assessment questionnaire, and supporting documents to **(XXX) XXX-XXXX**. You must submit a copy of [OPM Form 1203-FX](#) to document your responses to the [assessment questionnaire](#) [\[link to occupational questionnaire\]](#).

If you do not have access to a computer or fax, you may submit a paper application and the required forms. To do so, please contact: **[insert contact information]** prior to the close of this announcement.

### *Suggested QuickHire Language*

Your application must be received by 11:59PM EST on **[insert closing date]**. To begin your online application, click the Apply Online button and follow the prompts to register or sign into USAJOBS, take the online questionnaire, and submit the required documents. See Required Documents section for more detail.

We strongly encourage you to apply online. If you cannot apply online, **[insert process for applying through fax]**.

If you do not have access to a computer or fax, you may submit a paper application and the required forms. To do so, please contact: **[insert contact information]** prior to the close of this announcement.



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## Department of Homeland Security (DHS) Excepted Service Job Opportunity Announcement (JOA) Template

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### Required Documents

#### *Suggested Required Documents Language*

1. Your resume
2. Your responses to the job questionnaire [\[link to occupational questionnaire\]](#) [\[Remove this bullet if it is not applicable\]](#)
3. Your completed and signed [OF-306, Declaration for Federal Employment](#). [\[Remove this bullet if it is not applicable \(i.e., where OPM has not granted an exception\)\]](#)
4. **Are you qualifying based on education?** Submit a copy of your college transcript (unofficial is acceptable) or a list of coursework with hours completed. Education completed in foreign colleges or universities may be used to meet Federal qualification requirements if you can show that your foreign education is comparable to education received in accredited educational institutions in the United States. For example, specific courses accepted for college-level credit by an accredited U.S. college or university, or foreign education evaluated by an organization recognized for accreditation by the Department of Education as education equivalent to that gained in an accredited U.S. college or university. It is your responsibility to provide such evidence with your application. See [Recognition of Foreign Qualifications](#) for more information. [\[Remove this bullet if it is not applicable\]](#)
5. **Are you a veteran?** Submit Member Copy 4 of your DD-214 (Certificate of Release or Discharge from Active Duty) or notice form. Those applying for 10-point preference may fill out the [SF-15](#) and/or provide documentation that demonstrates preference eligibility. If applying based on eligibility under the Veterans Opportunity to Work (VOW) Act, you must submit certification from the Armed Forces that you will be discharged or released from active duty within 120 days from the date on the certification. This must indicate your dates of service, your rank, and confirm that you will be separated under honorable conditions. View more [veterans' information](#).
6. **Are you claiming special priority selection rights under the Interagency Career Transition Assistance Program (ICTAP)?** Submit:
  - a copy of your agency notice,
  - a copy of your most recent performance rating, and
  - a copy of your most recent SF-50, Notification of Personnel Action, noting your current position, grade level, and duty location.
7. **Are you a current or former federal employee?** Submit a copy of your most recent SF-50, Notification of Personnel Action.
8. **Are you a current or former political Schedule A, Schedule C, Non-career SES or Presidential Appointee employee?** Submit a copy of your applicable SF-50, along with a statement that provides the following information regarding your most recent political appointment:
  - Position title
  - Type of appointment (Schedule A, Schedule C, Non-career SES, or Presidential Appointee)
  - Agency
  - Beginning and ending dates of appointment

### What to Expect Next

- ☐ Inform applicants what to expect after they submit their application
- ☐ Include decision timeline (e.g., "We expect to make a selection within 60 days of the closing date of this announcement.")

**What to Expect Next Formula:** [\[explain application process\]](#) + [\[explain applicant notification process\]](#) + [\[include decision timeline\]](#)

#### *Suggested What to Expect Next Language*

Once you submit your application, we will assess your experience and training, identify the best-qualified applicants, and refer those applications to the hiring manager for further consideration and interviews. We will notify you by email after each of these steps has been completed. Your status will also be updated on USAJOBS throughout the process. To check your status, log on to your USAJOBS account, click on "Application Status," and then click "More Information." We expect to make a job offer within [\[insert days\]](#) after the deadline for applications. If you are selected, we will conduct a suitability/security background investigation.

View more information on [applying for federal employment](#).



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## Department of Homeland Security (DHS) Merit Promotion (MP) Job Opportunity Announcement (JOA) Template

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### Requirements

To ensure consistency in JOAs across DHS, the DHS Office of the Chief Human Capital Officer (OCHCO), in collaboration with Components, developed JOA templates for use when filling vacant positions across the Department. This MP JOA template provides Components with information to be included in all MP announcements for positions advertised at the General Schedule (GS)-15 grade level (or equivalent) and below. This template does not apply to Senior Executive Service (SES), Senior Leader (ST/SL), or Administrative Law Judge positions.

Components must use this template as a guide to streamline all MP JOAs in conjunction with the [DHS Streamlined Job Opportunity Announcement Checklist](#).

The following language is mandatory for use:

- The **Common Definitions** under the “Who May Apply” section. The common definitions address hiring terms found in JOAs and cannot be modified. Components must [link to the Common Definitions](#).
- The **Consistency with All Applicable Authorities Statement** in the “Job Summary” section. The statement provides notice that offers must be consistent with all applicable authorities, and cannot be modified.
- The **DHS Branding Statement** under the “Job Summary” section. The DHS Branding Statement cannot be modified; however, Components may add their own branding language after the DHS Branding Statement. Additionally, Components may add DHS occupation-specific branding language following their Component branding statement. Note: Occupation-specific branding statements that cover more than one Component must be approved by OCHCO.
- The **Shared Certificates Statement** under the “Job Summary” section. The statement provides notice that applications may be shared between DHS Components, and cannot be modified.
- The **National Service Experience Statement** under the “Qualifications” section. The National Service Experience statement cannot be modified; however, Components may insert additional information about their unique Component qualifying volunteer experiences.
- The **Current or Former Political Appointees Statement** under the “Qualifications” section. The statement provides information pertinent to current or recent political appointees, and cannot be modified.
- The **Benefits Statement** under the “Benefits” section. The benefits statement cannot be modified; however, Components may insert additional information about unique Component benefits.
- The **E-Verify Statement** under the “Other Information” section. The E-Verify statement cannot be modified; however, Components may insert additional information about their unique requirements.
- The **Suitability Statement** under the “Other Information” section. The suitability statement must be selected from the two options provided, based on whether or not OPM has authorized an exception request for the timing of suitability inquiries for the position. The suitability statement cannot be modified.

All JOAs must adhere to the following general guidelines:

- Use plain language without federal jargon
- Employ active voice writing style and friendly tone, including using the word “you” instead of “incumbent”
- Avoid negative statements (e.g., “You will be rated INELIGIBLE if you do not submit a SF-50”)
- Exclude written essay-style questions or narratives as part of the **initial** application process
- Meet the Office of Personnel Management’s (OPM’s) [resume-only criteria](#) listed in the DHS Hiring Reform Guidance 2, Section II, B. 1(a) & (b)
- Should not include a requirement that applicants be currently or recently employed. Rating criteria for JOAs should generally not address recency of employment experience
- Be no more than five pages in length, unless an exception has been granted by DHS OCHCO
- Contain a Human Resources/employer contact name, phone, and/or email address
- **Be grammatically correct, contain no spelling errors, and use the same font consistently throughout the JOA**

### Template Set-Up

The template aligns with the sections identified in USAJOBS. Each section (highlighted in **green text**) begins with a list of mandatory information required in the JOA. Next, a “formula” provides a basic format for writing the language in the section. Finally, there are examples of different ways to draft the section. **Red text** indicates where Components must fill in language and **dark blue text** indicates web links.



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## Department of Homeland Security (DHS) Merit Promotion (MP) Job Opportunity Announcement (JOA) Template

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**Note:** Information regarding reasonable accommodation, EEO policy statement, Selective Service requirements, and other legal and regulatory information is embedded in USAJOBS and appears automatically.

### Who May Apply

**[Note to HR:** The terms below comply with the new USAJobs hiring paths effective April 8, 2017]

**[Use this list for JOAs open only to DHS or Component employees]**

- Internal Employees/Agency Employees Only
- CTAP
- Persons eligible under a DHS Component Interchange Agreement

**[Use this list for JOAs open to applicants outside of DHS or the Component]**

- |                                   |                        |                             |
|-----------------------------------|------------------------|-----------------------------|
| • Merit Promotion                 | • Status Candidates    | • Former Overseas Employees |
| • CTAP                            | • ICTAP                | • VRA                       |
| • VEOA                            | • 30% or More Disabled | • EVHO                      |
| • Individuals with Disabilities   | • Schedule A           | • Military Spouses          |
| • Peace Corps                     | • Americorps           | • Vista                     |
| • Interchange Agreement Eligibles | • Land Management      |                             |

**[Required in all DHS MP JOAs]** View [common definitions](#) of terms found in this announcement

**[Remove this bullet if there is not a corresponding Delegated Examining (DE) announcement]** If you do not meet the requirements above, you may be eligible to apply through [\[insert link to DEJOA\]](#)

### Job Summary

- ☐ Use mandatory ***Consistency with All Applicable Authorities Statement*** below
- ☐ Use mandatory ***DHS Branding Statement*** below
- ☐ Use ***Component Branding Statement*** (optional)
- ☐ Use ***Occupation-Specific Branding Statement*** (if applicable)
- ☐ Provide a high-level overview of the job in one to two sentences
- ☐ Describe the position's impact on agency mission
- ☐ Provide information to applicants on career progression, if applicable
- ☐ Use mandatory ***Shared Certificates Statement*** below

#### ***Mandatory Consistency with All Applicable Authorities Statement***

Any offers of employment made pursuant to this announcement will be consistent with all applicable authorities, including Presidential Memoranda, Executive Orders, interpretive U.S. Office of Management and Budget (OMB) and U.S. Office of Personnel Management (OPM) guidance, and Office of Management and Budget plans and policies concerning hiring. These authorities are subject to change.

#### ***Mandatory DHS Branding Statement***

The Department of Homeland Security (DHS) is calling on those who want to help protect American interests and secure our Nation. DHS Components work collectively to prevent terrorism; secure borders and our transportation systems; protect the President and other dignitaries; enforce and administer immigration laws; safeguard cyberspace; and ensure resilience to disasters. We achieve these vital missions through a diverse workforce spanning hundreds of occupations. Make an impact; join DHS.

#### ***Component Branding Statement***

**[Insert Component Branding Statement – it should be 2-3 sentences and link to Component Web site.]**

#### ***Occupation Specific Branding Statement***

**[Insert Occupation Specific Statement – it should be 2-3 sentences.]**

#### ***Job Summary***

**Job summary formula:** [1-2 sentence high-level overview of the job] + [1 sentence impact on the agency mission] + [1 sentence on career progression with salary ranges (do not just refer to a GS grade (or equivalent band) level)].



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## Department of Homeland Security (DHS) Merit Promotion (MP) Job Opportunity Announcement (JOA) Template

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### *Job Summary Example 1:*

This position is ideal for an expert human resources (HR) professional looking for an opportunity to shape DHS staffing policy, including collaborating with experts in other functional areas to develop integrated HR policy recommendations. This position starts at a salary of \$XX,XXX (GS-XX grade level), with promotion potential to \$XX,XXX (GS-XX grade level).

Apply for this exciting opportunity to become a member of the Policy and Programs Team in the DHS Office of the Chief Human Capital Officer (OCHCO).

### *Job Summary Example 2:*

Joining the DHS Office of Intelligence & Analysis (I&A) will allow you to use your expertise to assess present and future homeland security threats. This intelligence analyst position starts at a salary of \$XX,XXX (GS-XX grade level), with promotion potential to \$XX,XXX (GS-XX grade level). Apply for this exciting opportunity to strengthen the Department's and our partners' ability to perform their homeland security functions by accessing, integrating, analyzing, and sharing relevant intelligence and information.

### *Mandatory Shared Certificates Statement*

Applying to this announcement certifies that you give permission for DHS to share your application with others in DHS for similar positions.

### Relocation Authorized

☐ Indicate whether relocation is authorized.

### Key Requirements

- ☐ Include statements regarding employment requirements (e.g., U.S. citizenship, Selective Service registration, clearance level, drug testing, residency requirements, etc.)
- ☐ **Exclude** information that is not a requirement of the job (e.g., relocation/retention/recruitment incentives will not be paid, etc.)
- ☐ For clarification purposes, key requirement statements should not be combined.

### *Key Requirements Examples:*

- You must be a U.S. citizen to apply for this position.
- You must successfully pass a background investigation.
- You must be able to obtain [insert clearance level] security clearance.
- This position has been identified as a Testing Designated Position (TDP) for purposes of the DHS Drug-Free Workplace program.
- You will be required to undergo random drug testing.
- Applicants tentatively selected for this position will be required to submit to a drug test to screen for illegal drug use. A final offer of employment is contingent upon a negative drug test result.
- Up to \_\_\_% travel is required.
- You will be required to carry a firearm.
- You must be able to meet job-related medical and/or fitness standards.
- Financial disclosure is required.
- You must sign a mobility agreement and be willing to relocate as necessary.
- Selective Service registration required.
- You must meet the residency requirements outlined in the Other Information section of this job announcement.
- Current federal employees must meet time-in-grade requirements.

### Duties

- ☐ List three to five major duties in bullet format (do not copy and paste from a position description)
- ☐ Begin each duty with an action verb
- ☐ List duties in a logical order
- ☐ Write the duties in a way the applicant can visualize/assess whether the position is a good fit
- ☐ Describe typical work assignments and team composition
- ☐ Emphasize value employee will create



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**Duties formula:**

[1-2 sentences to introduce the job duties] + [bullet 3-5 major duties, starting each bullet with an action verb]

***Duties Example 1:***

In this position, you will become a key member of a team of human resources (HR) professionals in a pivotal policy role from day one. You will build project teams and collaborate closely with others throughout the federal HR community.

Typical work assignments include:

- Conducting analyses, evaluations, examinations, or other fact-finding studies related to staffing policy
- Managing projects to develop Department-wide staffing policy
- Developing innovative approaches to DHS hiring practices
- Providing expert technical guidance on staffing issues to leadership and field HR offices

***Duties Example 2:***

Being a criminal investigator makes you a valuable member of the federal Law Enforcement Officer (LEO) profession. You will conduct criminal investigations and prepare for the prosecution of major criminal violators. Typical assignments include:

- Reviewing laws and regulations
- Applying basic investigative techniques and procedures
- Interviewing employees, government and private sector officials, and others to verify facts and specific information
- Securing signed statements, affidavits, and documentary evidence to be included in reports or case records
- Preparing reports

**Qualifications Required**

- ☐ Use clear qualification requirements for each grade level
- ☐ Include selective placement factors, if any
- ☐ Describe specialized experience in a way the applicants will understand
- ☐ Include mandatory ***National Service Experience Statement***
- ☐ Include mandatory ***Current or Former Political Appointees Statement***
- ☐ Eliminate federal jargon
- ☐ Use specific examples in defining specialized experience at the next lower grade level
- ☐ Provide timeframe for when qualifications must be met (e.g., by the close of the announcement, 30 days after the closing date, etc.)
- ☐ Include ***Time-in-Grade*** language
- ☐ **Exclude** references to OPM's Qualification Standards Manual

**Qualifications formula:** [insert grade level] + [describe specific examples of specialized experience at the next lower grade level] + [describe education requirements/substitution, and/or selective placement factors, if applicable]

***Qualifications Example 1 without Education:***

You qualify for the GS-13 grade level (starting salary \$XX,XXX) if you possess one year of specialized experience at the GS-12 grade level performing duties such as:

- Researching, interpreting, and reviewing staffing laws, regulations, policies
- Developing agency-wide staffing procedures
- Providing technical guidance on staffing issues
- Writing documents for a variety of audiences to convey complex or highly technical information

***Qualifications Example 2 with Education Substitution:***

You qualify for the GS-07 grade level (starting salary \$XX,XXX) if you possess one of the following:

- A. One year of specialized experience at the GS-05 grade level that demonstrates the ability to advise and make recommendations concerning administrative operation of an organizational unit, answer questions/provide advice about organizational policies and procedures, compose letters and memoranda, and maintain schedules; **OR**



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- B. A bachelor's degree with superior academic achievement, which is based on (1) class standing, (2) grade-point average, or (3) honor society membership. Go to [Application of Qualification Standards, Section 4. 'Educational and Training Provisions or Requirements,'](#) Subpart F., 'Superior academic achievement,' to see if you qualify under this provision; **OR**
- C. One full year of graduate level education at an accredited or pre-accredited college or university; **OR**
- D. A combination of successfully completed post-high school education and experience. This will be calculated using your resume and unofficial transcripts or a list of courses/course hours submitted with your application.

### *Selective Placement Factor (if applicable)*

In addition to the minimum qualifications described above, you must meet the following requirement(s) to be considered qualified for the position: **[insert selective placement factor]**.

### *Mandatory National Service Experience (i.e., volunteer experience) Statement*

Experience refers to paid and unpaid experience, including volunteer work done through National Service programs (e.g., Peace Corps, AmeriCorps) and other organizations (e.g., professional; philanthropic; religious; spiritual; community, student, social). Volunteer work helps build critical competencies, knowledge, and skills and can provide valuable training and experience that translates directly to paid employment. You will receive credit for all qualifying experience, including volunteer experience.

### *Qualifications Must Be Met*

The qualification requirements listed above must be met by **[insert when must be met, e.g., by the closing date, or within 30 days of closing]** of this announcement.

### *Time-in-Grade*

Current federal employees must have served 52 weeks at the next lower grade level or equivalent grade band in the federal service. The time-in-grade requirement must be met by **[insert when must be met, e.g., by closing, within 30 days of closing]** of this announcement.

### *Mandatory Current or Former Political Appointees Statement*

The Office of Personnel Management (OPM) must authorize employment offers made to current or former political appointees. If you are currently, or have been within the last 5 years, a political Schedule A, Schedule C, Non-career SES or Presidential Appointee employee in the Executive Branch, you must disclose this information to the Human Resources Office.

## **How You Will Be Evaluated**

- ☐ Explain the evaluation process in plain language (e.g., "You will be evaluated based on your resume and responses to the job questionnaire")
- ☐ Describe the type of assessment test (e.g., self-assessment questionnaire, panel review, automated skills assessment, etc.)
- ☐ State the basis of rating and ranking method in plain language
- ☐ Identify major competencies or knowledge, skills, and abilities (KSAs) needed to perform the job
- ☐ State that "consideration will be given to performance appraisals and incentive awards as an indicator of quality of prior experience; no points will be assigned"
- ☐ Identify when interviews are required in order to receive further consideration.
- ☐ Identify the Interagency Career Transition Assistance Program (ICTAP) well-qualified score or category (**Note to HR: DHS Components clear Career Transition Assistance Program (CTAP) eligibles through the DHS CTAP Activity Notice posted on [OCHCO Staffing Policy's DHS Connect website](#) prior to posting an announcement and making a selection.**)

**How you will be evaluated formula:** **[explain evaluation process (e.g., structured interviews, assessment questionnaires, etc.) + [list KSAs/competencies required for the job] + [describe rating/ranking method] + [insert consideration for performance appraisals and incentive awards statement] + [identify ICTAP well-qualified score or category] + [If interviews are required, insert interview requirement language]**



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### *Suggested How You Will Be Evaluated Language*

We will review your resume and supporting documentation to ensure you meet the basic qualification requirements. If you meet the minimum qualifications, your experience, education, and training will be rated [insert assessment technique, e.g., using a job questionnaire] that is based on the following competencies or knowledge, skills, and abilities needed to perform this job:

- [List Competencies or KSAs]

If you are best qualified, you may be referred to the hiring manager for consideration and may be called for an interview. Preview the [job questionnaire](#) [insert job questionnaire link].

**Veterans Employment Opportunities Act (VEOA):** To be eligible for a VEOA appointment, the veteran must 1) be a preference eligible; or 2) be a veteran separated after 3 or more years of continuous active service performed under honorable conditions. In addition, you must submit the supporting documents listed under the required documents section of this announcement. (*Note: Veteran's preference does not apply under Merit Promotion procedures. View VEOA information on [Feds Hire Vets](#).*)

**Interagency Career Transition Assistance Program (ICTAP) Eligibles:** If you have never worked for the federal government, you are not ICTAP eligible. View information about [ICTAP eligibility](#) on OPM's Career Transition Resources website. To be considered well qualified under ICTAP, you must be rated at a minimum score of [insert score] for this position. In addition, you must submit the supporting documents listed under the required documents section of this announcement.

**Interview Requirement (If Applicable):** Interviews are required for this position. Failure to complete the interview may result in removal from further consideration.

### **Benefits**

- ☐ Use the mandatory **DHS Benefits Statement** below
- ☐ Describe any unique benefits or benefits you would like to highlight, if applicable, (e.g., flexible work schedule, telework, recruitment incentives, relocation incentives, student loan repayment, etc.)

### *Mandatory DHS Benefits Statement*

DHS offers competitive salaries and an attractive benefits package, including: health, dental, vision, life, and long-term care insurance; retirement plan; Thrift Savings Plan [similar to a 401(k)]; Flexible Spending Account; Employee Assistance Program; personal leave days; and paid federal holidays. Other benefits may include: flexible work schedules; telework; tuition reimbursement; transportation subsidies; uniform allowance; health and wellness programs; and fitness centers. DHS is committed to employee development and offers a variety of employee training and developmental opportunities. For more information, go to the [DHS Careers](#) website and select **Benefits**. [Disabled veteran leave](#) will be available to any Federal employee hired on or after November 5, 2016, who is a veteran with a service-connected disability rating of 30 percent or more.

### **Other Information**

- ☐ Include any other information not covered elsewhere in the JOA, which may include additional detail about firearms requirements, travel requirements, clearance level, residency requirement, mandatory fitness requirements, etc.
- ☐ Do not repeat information found in other sections of the JOA.
- ☐ Use the mandatory **DHS E-Verify Statement** below.
- ☐ Use the mandatory **DHS Suitability Statement** below.
- ☐ Indicate whether the position to be filled is one where the requisite level of background investigation automatically requires a credit check after initial job qualifications have been met, or one where the requisite level of investigation does not automatically require a credit check (with the understanding that even where a credit check is not automatically required, it may later be required if the initial investigation surfaces a potential issue). (See also the *financial suitability language* and [Mythbusters on Federal Hiring Policies](#) embedded in USAJOBS in the Help Center at the bottom of each page.)

### *Mandatory E-Verify Statement*

DHS uses E-Verify, an Internet-based system, to confirm the eligibility of all newly hired employees to work in the United States. Learn more about [E-Verify](#), including your rights and responsibilities.



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### *Mandatory Suitability Statement*

#### *[Select one of the following statements]*

[If OPM has authorized an exception request for the timing of suitability inquiries for the position, use this statement:]

Pursuant to an exception granted by the Office of Personnel Management (OPM), your application must contain a completed [Optional Form 306, Declaration of Federal Employment](#). If you receive a conditional offer of employment for this position, you will be required to update your OF-306, and to again sign and certify the accuracy of all information in your application, prior to entry on duty. False statements on any part of the application may result in withdrawal of offer of employment, dismissal after beginning work, fine, or imprisonment.

[Otherwise, use this statement:]

If you receive a conditional offer of employment for this position, you will be required to complete an [Optional Form 306, Declaration of Federal Employment](#), and to sign and certify the accuracy of all information in your application, prior to entry on duty. False statements on any part of the application may result in withdrawal of offer of employment, dismissal after beginning work, fine, or imprisonment.

### *Suggested Background Investigation Language*

[Ensure consistency with the selected Suitability Statement]

**Background Investigation:** To ensure the accomplishment of our mission, DHS requires every employee to be reliable and trustworthy. To meet those standards, all selected applicants must undergo and successfully pass a background investigation for [insert clearance level] as a condition of placement into this position. This may include [insert type of information that may be reviewed in investigation, e.g., a credit check [before or after] initial job qualifications are determined, a review of financial issues such as delinquency in the payment of debts, child support and/or tax obligations, as well as certain criminal offenses and illegal use or possession of drugs.]

### *Recommended Special Hiring Authority Language*

[Veterans](#), [Peace Corps/VISTA volunteers](#), and [persons with disabilities](#) possess a wealth of unique talents, experiences, and competencies that can be invaluable to the DHS mission. If you are a member of one of these groups, you may not have to compete with the public for federal jobs. To determine your eligibility for non-competitive appointment and to understand the required documentation, click on the links above or contact the Servicing Human Resources Office listed at the bottom of this announcement.

### *How to Apply*

- ☐ Provide a simple explanation of how to submit application
- ☐ Describe the different options for applying, i.e., online, via mail or fax
- ☐ Identify all required documents and relevant information needed to apply
- ☐ **Exclude** requests for unnecessary documentation from the applicant, e.g., if education cannot be used to qualify, do not ask for a transcript
- ☐ **Exclude** the text of the entire assessment questionnaire from the body of JOA

### *Suggested USA Staffing Language*

Your application must be received by 11:59PM EST on [insert closing date]. To begin your online application, click the **Apply Online** button and follow the prompts to register or sign into USAJOBS, take the online questionnaire, and submit the required documents. See **Required Documents** section for more detail.

We strongly encourage you to apply online. If you cannot apply online, you may FAX your resume, assessment questionnaire, and supporting documents to (XXX) XXX-XXXX. You must submit a copy of [OPM Form 1203-FX](#) to document your responses to the [assessment questionnaire](#) [[link to occupational questionnaire](#)].

If you do not have access to a computer or fax, you may submit a paper application and the required forms. To do so, please contact: [insert contact information] prior to the close of this announcement.

### *Suggested QuickHire Language*

Your application must be received by 11:59PM EST on [insert closing date]. To begin your online application, click the **Apply Online** button and follow the prompts to register or sign into USAJOBS, take the online questionnaire, and submit the required documents. See **Required Documents** section for more detail.

We strongly encourage you to apply online. If you cannot apply online, [insert process for applying through fax].

If you do not have access to a computer or fax, you may submit a paper application and the required forms. To do so, please contact: [insert contact information] prior to the close of this announcement.



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## Required Documents

### *Suggested Required Documents Language*

1. Your resume
2. Your responses to the job questionnaire [\[link to occupational questionnaire\]](#) [\[Remove this bullet if it is not applicable\]](#)
3. Your completed and signed [OF-306, Declaration for Federal Employment](#). [\[Remove this bullet if it is not applicable \(i.e., where OPM has not granted an exception\)\]](#)
4. **Are you a current or former federal employee?** Submit a copy of your most recent SF-50, Notification of Personnel Action that demonstrates your eligibility for consideration, e.g., length of time you have been in your current/highest grade (examples of appropriate SF-50s include promotions, with-in grade/range increases); your current promotion potential; proof of permanent appointment if applying based on an interchange agreement; etc.
5. **Are you qualifying based on education?** Submit a copy of your college transcript (unofficial is acceptable) or a list of coursework with hours completed. Education completed in foreign colleges or universities may be used to meet Federal qualification requirements if you can show that your foreign education is comparable to education received in accredited educational institutions in the United States. For example, specific courses accepted for college-level credit by an accredited U.S. college or university, or foreign education evaluated by an organization recognized for accreditation by the Department of Education as education equivalent to that gained in an accredited U.S. college or university. It is your responsibility to provide such evidence with your application. See [Recognition of Foreign Qualifications for more information](#). [\[Remove this bullet if it is not applicable\]](#)
6. **Are you a veteran?** Submit Member Copy 4 of your DD-214 or other (Certificate of Release or Discharge from Active Duty) and/or documentation of service connected disability. If applying based on eligibility under the Veterans Opportunity to Work (VOW) Act, you must submit certification from the Armed Forces that you will be discharged or released from active duty within 120 days from the date on the certification. This must indicate your dates of service, your rank, and confirm that you will be separated under honorable conditions. View more [veterans' information](#).
7. **Are you claiming special priority selection rights under the Interagency Career Transition Assistance Program (ICTAP)?** Submit a copy of your:
  - Agency notice,
  - Most recent performance rating, and
  - Most recent SF-50, Notification of Personnel Action, noting your current position, grade level, and duty location.
8. **Are you a current or former political Schedule A, Schedule C, Non-career SES or Presidential Appointee employee?** Submit a copy of your applicable SF-50, along with a statement that provides the following information regarding your most recent political appointment:
  - Position title
  - Type of appointment (Schedule A, Schedule C, Non-career SES, or Presidential Appointee)
  - Agency
  - Beginning and ending dates of appointment
9. **You may be asked to provide a copy of your recent performance appraisal and/or incentive awards.**

## What to Expect Next

- ☐ Inform applicants what to expect after they submit their application
- ☐ Include decision timeline (e.g., "We expect to make a selection within 60 days of the closing date of this announcement")

**What to Expect Next Formula:** [\[explain application process\]](#) + [\[explain applicant notification process\]](#) + [\[include decision timeline\]](#)

### *Suggested What to Expect Next Language*

Once you submit your application, we will assess your experience and training, identify the best-qualified applicants, and refer those applications to the hiring manager for further consideration and interviews. We will notify you by e-mail after each of these steps has been completed. Your status will also be updated on USAJOBS throughout the process. To



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check your status, log on to your USAJOBS account, click on "Application Status," and then click "More Information." We expect to make a job offer within [insert days] after the deadline for applications.

View more information on [applying for federal employment](#).

### Re-advertising Positions:

Re-advertisement of the same competitive service position requires the lapse of 90-calendar days from the original certificate issuance date. However, there are two exceptions for re-advertising before the 90-calendar day period expires:

1. If the position requirements changed significantly (e.g., the ranking criteria, the qualifications requirements including selective placement factors, or the grade level), the position is re-advertised without automatically considering the original applicants. The initial JOA is canceled and documented in the case file. When the position is re-advertised, a notice is sent directly to applicants who previously applied and the re-advertisement includes an annotation similar to the following: *"We are re-advertising this position to reflect a change in the (specify the change). As such, all previous applicants must reapply to receive consideration."*
2. If re-advertising is required due to insufficient applicants and there is no change to the position requirements, the position may be re-advertised within the 90-calendar day period. The initial JOA is canceled and documented in the case file. When the position is re-advertised, a notice is sent directly to applicants who previously applied and the re-advertisement includes an annotation similar to the following: *"We are re-advertising this position due to an insufficient number of applications. As such, all previous applicants must reapply to receive consideration."*



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## Department of Homeland Security (DHS) Streamlined Job Opportunity Announcement (JOA) Checklist

Rev 12/2015

**Instructions:** Components must use this checklist to comply with the Office of the Chief Human Capital Officer (OCHCO) and the Office of Personnel Management (OPM) standards for streamlining JOAs. Components should use the [JOA templates](#) in conjunction with this checklist.  
**Note:** This checklist applies only to positions at the GS-15 (or equivalent) level and below.

Component:	JOA Number:	Position Series/Title/Grade:	Evaluator Name:
<b>General Streamlining Requirements</b>			
			<b>Evaluator Comments</b>
<input type="checkbox"/>	Uses plain language without federal jargon		
<input type="checkbox"/>	Employs active voice writing style and friendly tone		
<input type="checkbox"/>	Avoids negative statements (e.g., "You will be rated INELIGIBLE if you do not submit a SF-50")		
<input type="checkbox"/>	Excludes written essay-style questions or narratives as part of the <i>initial</i> application process		
<input type="checkbox"/>	Uses category rating in delegated examining announcements for identified series (refer to Component category rating action plans)		
<input type="checkbox"/>	JOA is no more than 5 pages in length		
<input type="checkbox"/>	Contains Human Resources (HR)/employer contact, phone, and/or email address		
<input type="checkbox"/>	Excludes any grammatical errors and spelling errors		
<input type="checkbox"/>	Uses the same font throughout the JOA		
<b>Overview</b>			
			<b>Evaluator Comments</b>
<input type="checkbox"/>	Job title		
<input type="checkbox"/>	Duty location(s)		
<input type="checkbox"/>	Agency/Component name		
<input type="checkbox"/>	JOA #		
<input type="checkbox"/>	Salary range		
<input type="checkbox"/>	Open/close dates, plus any other information dealing with how application receipt will be controlled (e.g., cut-off dates)		
<input type="checkbox"/>	Series/grade		
<input type="checkbox"/>	Position information (i.e., term, permanent, part-time, etc.)		
<input type="checkbox"/>	Promotion potential		
<input type="checkbox"/>	Who May Be Considered/Apply (e.g., all U.S. citizens, status candidates, veterans, etc.)		
<input type="checkbox"/>	Link to <a href="#">common definitions</a>		
<input type="checkbox"/>	# of vacancies		



## Department of Homeland Security (DHS) Streamlined Job Opportunity Announcement (JOA) Checklist

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Job Summary		
		Evaluator Comments
<input type="checkbox"/>	Uses mandatory DHS branding statement from JOA template	
<input type="checkbox"/>	Uses Component branding statement (optional)	
<input type="checkbox"/>	Uses occupation-specific branding statement (if applicable)	
<input type="checkbox"/>	Provides a high-level overview of the job in 1-2 sentences	
<input type="checkbox"/>	Describes the position's impact on the agency mission	
<input type="checkbox"/>	Provides information to applicants on career progression, if applicable	
Key Requirements		
		Evaluator Comments
<input type="checkbox"/>	Includes statements regarding employment requirements (e.g., U.S. citizenship, Selective Service registration, clearance level, residency requirements, drug testing, etc.)	
<input type="checkbox"/>	Excludes information that is not a requirement of the job (e.g., relocation/retention/recruitment incentives will not be paid, etc.)	
Duties		
		Evaluator Comments
<input type="checkbox"/>	Lists 3 to 5 major duties in bullet format (do not copy and paste from a position description)	
<input type="checkbox"/>	Begins each duty with an action verb	
<input type="checkbox"/>	Lists duties in a logical order	
<input type="checkbox"/>	Writes duties in a way the applicant can visualize/assess whether the position is a good fit	
<input type="checkbox"/>	Describes typical work assignments and team composition	
<input type="checkbox"/>	Emphasizes value employee will create	
Qualifications		
		Evaluator Comments
<input type="checkbox"/>	Uses clear qualification requirements for each grade level	
<input type="checkbox"/>	Includes selective placement factors, if any	
<input type="checkbox"/>	Excludes references to OPM's Qualification Standards Manual	
<input type="checkbox"/>	Describes specialized experience without federal jargon and in a way the applicant will understand and uses specific examples in defining specialized experience at the next lower grade level	
<input type="checkbox"/>	National Service Experience (i.e., volunteer experience) language included	
<input type="checkbox"/>	Refers to time-in-grade only in merit promotion announcements	
<input type="checkbox"/>	Provides timeframe for when qualifications must be met (e.g., by the close of the announcement, 30 days after the closing date, etc.)	



## Department of Homeland Security (DHS) Streamlined Job Opportunity Announcement (JOA) Checklist

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How You Will Be Evaluated		
		Evaluator Comments
<input type="checkbox"/>	Explains the evaluation process in plain language (e.g., "You will be evaluated based on your résumé and responses on the job questionnaire")	
<input type="checkbox"/>	Describes the type of assessment (e.g., self-assessment questionnaire, panel review, automated skills assessment, etc.)	
<input type="checkbox"/>	States the basis of rating and ranking method in plain language (category rating for delegated examining or rating/ranking procedures used for merit promotion)	
<input type="checkbox"/>	Briefly describes quality categories for category rating (delegated examining only) or category grouping (excepted service, if applicable)	
<input type="checkbox"/>	Identifies major competencies or knowledge, skills, and abilities (KSAs) needed to perform the job	
<input type="checkbox"/>	States that "consideration will be given to performance appraisals and incentive awards as an indicator of quality of prior experience, no points will be assigned" (merit promotion only)	
<input type="checkbox"/>	Identifies when interviews are required in order to receive further consideration	
<input type="checkbox"/>	Identifies position is being filled under direct hire authority, if applicable (e.g., "This position is being filled under a direct hire authority. You will be evaluated based on your resume and responses to the job questionnaire, and will be selected from a list of qualified applicants; however, veterans' preference and typical rating and ranking procedures (i.e., 'rule of three' or category rating) do not apply.")	
<input type="checkbox"/>	Identifies the Interagency Career Transition Assistance Program (ICTAP) well-qualified score or well-qualified category (does not apply to excepted service)	
Benefits		
		Evaluator Comments
<input type="checkbox"/>	Uses mandatory DHS benefits language from JOA template	
<input type="checkbox"/>	Describes any unique benefits or benefits you would like to highlight, if applicable (e.g., flexible work schedule, telework, recruitment incentives, relocation incentives, student loan repayment, etc.)	
Other Information		
		Evaluator Comments
<input type="checkbox"/>	Includes any other information not elsewhere in the JOA, which may include additional detail about firearms requirements, travel requirements, clearance level, residency requirements, mandatory fitness requirements, etc.	
<input type="checkbox"/>	Includes language on Special Hiring Authorities (e.g., <a href="#">Veterans</a> , <a href="#">Peace Corps/VISTA volunteers</a> , <a href="#">persons with disabilities</a> , etc.)	
<input type="checkbox"/>	Does not repeat information found in other sections of the JOA	
<input type="checkbox"/>	Includes the mandatory E-Verify statement	
<input type="checkbox"/>	Includes credit check information, see <a href="#">OPM Mythbuster</a> document	
How to Apply		
		Evaluator Comments
<input type="checkbox"/>	Provides a simple explanation of how to submit application	
<input type="checkbox"/>	Describes the different options for applying (i.e., online, mail, fax)	
<input type="checkbox"/>	Identifies all required documents	
<input type="checkbox"/>	Does not request unnecessary documentation from the applicant (e.g., if education cannot be used to qualify, does not ask for a transcript)	
<input type="checkbox"/>	Does not contain the text of the assessment questionnaire in the body of the vacancy announcement (i.e., uses a link to the questions)	



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What to Expect		
		Evaluator Comments
<input type="checkbox"/>	Informs applicants what to expect after they submit an application	
<input type="checkbox"/>	Includes decision timeline (e.g., "We expect to make a selection within 60 days of the closing date of this announcement")	

Note: Information regarding reasonable accommodation, EEO policy statement, Selective Service requirements, and other legal and regulatory information is embedded on USAJOBS and appears automatically.



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CFR › Title 5 › Chapter I › Subchapter B › Part 300 › Subpart G › Section 300.701

## 5 CFR 300.701 - Statutory requirement.

### § 300.701 Statutory requirement.

Section 3328 of title 5 of the United States Code provides that -

(a) An individual -

(1) Who was born after December 31, 1959, and is or was required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453); and

(2) Who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual, shall be ineligible for appointment to a position in an executive agency of the Federal Government.

(b) The Office of Personnel Management, in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out this section. Such regulations shall include provisions prescribing procedures for the adjudication within the Office of determinations of whether a failure to register was knowing and willful. Such procedures shall require that such a determination may not be made if the individual concerned shows by a preponderance of the evidence that the failure to register was neither knowing nor willful.

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CFR › Title 5 › Chapter I › Subchapter B › Part 300 › Subpart G › Section 300.704

## 5 CFR 300.704 - Considering individuals for appointment.

### § 300.704 Considering individuals for appointment.

(a) An executive agency must request a written statement of Selective Service registration status from each covered individual at an appropriate time during the consideration process prior to appointment, and from each covered employee who becomes 18 after appointment. The individual must complete, sign, and date in ink the statement on a form provided by the agency unless the applicant furnishes other documentation as provided by paragraph (c) of this section.

(b) ***Statement of Selective Service registration status.*** Agencies should reproduce the following statement, which has been approved by the Office of Management and Budget for use through October 31, 1989, under OMB Control No. 3206-0166:

#### APPLICANT'S STATEMENT OF SELECTIVE SERVICE REGISTRATION STATUS

If you are a male born after December 31, 1959, and are at least 18 years of age, civil service employment law ( 5 U.S.C. 3328) requires that you must be registered with the Selective Service System, unless you meet certain exemptions under Selective Service law. If you are required to register but knowingly and willfully fail to do so, you are ineligible for appointment by executive agencies of the Federal Government.

#### CERTIFICATION OF REGISTRATION STATUS

Check one:

- ☐ I certify I am registered with the Selective Service System.
- ☐ I certify I have been determined by the Selective Service System to be exempt from the registration provisions of Selective Service law.
- ☐ I certify I have not registered with the Selective Service System.
- ☐ I certify I have not reached my 18th birthday and understand I am required by law to register at that time.

#### **NON-REGISTRANTS UNDER AGE 26**

If you are under age 26 and have not registered as required, you should register promptly at a United States Post Office, or consular office if you are outside the United States.

#### **NON-REGISTRANTS AGE 26 OR OVER**

If you were born in 1960 or later, are 26 years of age or older, and were required to register but did not do so, you can no longer register under Selective Service law. Accordingly, you are not eligible for appointment to an executive agency unless you can prove to the Office of Personnel Management (OPM) that your failure to register was neither knowing nor willful. You may request an OPM decision through the agency that was considering you for employment by returning this statement with your written request for an OPM determination together with any explanation and documentation you wish to furnish to prove that your failure to register was neither knowing nor willful.

#### **PRIVACY ACT STATEMENT**

Because information on your registration status is essential for determining whether you are in compliance with 5 U.S.C. 3328, failure to provide the information requested by this statement will prevent any further consideration of your application for appointment. This information is subject to verification with the Selective Service System and may be furnished to other Federal agencies for law enforcement or other authorized use in implementing this law.

#### **FALSE STATEMENT NOTIFICATION**

A false statement may be grounds for not hiring you, or for firing you if you have already begun work. Also, you may be punished by fine or imprisonment. (Section 1001 of title 18, United States Code.)

Legal signature of individual (please use ink)

Date signed (please use ink)

**(c)** At his option, a covered individual may submit, in lieu of the statement described above, a copy of his Acknowledgment Letter or other proof of registration or exemption issued by the Selective Service System. The individual must sign and date the document and add a note stating it is submitted as proof of Selective Service registration or exemption.



(d) An executive agency will give no further consideration for appointment to individuals who fail to provide the information requested above on registration status.

(e) An agency considering employment of a covered individual who is a current or former Federal employee is not required to request a statement when it determines that the individual's Official Personnel Folder contains evidence indicating the individual is registered or currently exempt from registration.

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CFR › Title 5 › Chapter I › Subchapter B › Part 300 › Subpart G › Section 300.705

## 5 CFR 300.705 - Agency action following statement.

### § 300.705 Agency action following statement.

(a) Agencies must resolve conflicts of information and other questions concerning an individual's registration status prior to appointment. An agency may verify, at its discretion, an individual's registration status by requesting the individual to provide proof of registration or exemption issued by the Selective Service System and/or by contacting the Selective Service System at 888-655-1825.

(b) An agency may continue regular pre-employment consideration of individuals whose statements show they have registered or are exempt.

(c) An agency will take the following actions when a covered individual who is required to register has not done so, and is under age 26:

(1) Advise him to register promptly and, if he wishes further consideration, to submit a new statement immediately to the agency once he has registered. The agency will set a time limit for submitting the statement.

(2) Provide written notice to an individual who still does not register after being informed of the above requirements that he is ineligible for appointment according to 5 U.S.C. 3328 and will be given no further employment consideration.

(d) An agency will take the following actions when a covered individual who is age 26 or over, was required to register, and has not done so:

(1) Provide written notice to the individual that, in accordance with 5 U.S.C. 3328, he is ineligible for appointment unless his failure to register was neither knowing nor willful, and that OPM will decide whether his failure to register was knowing and willful if he submits a written request for such decision and an explanation of his failure to register.

(2) Submit the individual's application, the statement described in § 300.704 (b), a copy of the written notice, his request for a decision and explanation of his failure to register, and any other papers pertinent to his registration status for determination to - Registration Review, Staffing Operations Division, Career Entry Group, room 6A12, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

(3) An agency is not required to keep a vacancy open for an individual who seeks an OPM determination.

(e) Individuals described in paragraph (c) of this section who do not submit a statement of registration or exemption are not eligible for employment consideration. Individuals described in paragraph (d) of this section are not eligible for employment consideration unless OPM finds that failure to register was neither knowing nor willful. Agencies are not required to follow the objections-to-eligibles procedures described in § 332.406 concerning such individuals who were certified or otherwise referred by an OPM examining office or other office delegated examining authority by OPM. Instead, an agency will provide, for information as part of its certification report to that office, a copy of its written notice to the individual.

[ 52 FR 7400, Mar. 11, 1987, as amended at 64 FR 28713, May 27, 1999]

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CFR › Title 5 › Chapter I › Subchapter B › Part 338 › Subpart A › Section 338.101

## 5 CFR 338.101 - Citizenship.

### § 338.101 Citizenship.

(a) A person may be admitted to competitive examination only if he is a citizen of or owes permanent allegiance to the United States.

(b) A person may be given an appointment in the competitive service only if he or she is a citizen of or owes permanent allegiance to the United States.

However, a noncitizen may be given an appointment in rare cases under § 316.601 of this chapter, unless the appointment is prohibited by statute.

(c) Paragraph (b) of this section applies to reinstatement and transfer as well as to other noncompetitive appointments, and to conversion to career or career-conditional employment.

[ 33 FR 12429, Sept. 4, 1968, as amended at 57 FR 10124, Mar. 24, 1992]

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## Department of Homeland Security (DHS) Delegated Examining (DE) Job Opportunity Announcement (JOA) Template

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### Requirements

To ensure consistency in JOAs across DHS, the DHS Office of the Chief Human Capital Officer (OCHCO), in collaboration with Components, developed JOA templates for use when filling vacant positions across the Department. This DE JOA template provides Components with information to be included in all DE announcements for positions advertised at the General Schedule (GS)-15 grade level (or equivalent) and below. This template does not apply to Senior Executive Service (SES), Senior Leader (ST/SL), or Administrative Law Judge positions.

Components must use this template as a guide to streamline excepted service JOAs in conjunction with the [DHS Streamlined Job Opportunity Announcement Checklist](#).

The following language is mandatory for use:

- The **Common Definitions** under the “Who May Apply” section. The common definitions address hiring terms found in JOAs and cannot be modified. Components must [link to the Common Definitions](#).
- The **Consistency with All Applicable Authorities Statement** in the “Job Summary” section. The statement provides notice that offers must be consistent with all applicable authorities, and cannot be modified.
- The **DHS Branding Statement** under the “Job Summary” section. The DHS Branding Statement cannot be modified; however, Components may add their own branding language after the DHS Branding Statement. Additionally, Components may add DHS occupation-specific branding language following their Component branding statement. Note: Occupation-specific branding statements that cover more than one Component must be approved by OCHCO.
- The **Shared Certificates Statement** under the “Job Summary” section. The statement provides notice that applications may be shared between DHS Components, and cannot be modified.
- The **National Service Experience Statement** under the “Qualifications” section. The National Service Experience statement cannot be modified; however, Components may insert additional information about their unique Component qualifying volunteer experiences.
- The **Current or Former Political Appointees Statement** under the “Qualifications” section. The statement provides information pertinent to current or recent political appointees, and cannot be modified.
- The **Benefits Statement** under the “Benefits” section. The benefits statement cannot be modified; however, Components may insert additional information about unique Component benefits.
- The **E-Verify Statement** under the “Other Information” section. The E-Verify statement cannot be modified; however, Components may insert additional information about their unique Component requirements.
- The **Suitability Statement** under the “Other Information” section. The suitability statement must be selected from the two options provided, based on whether or not OPM has authorized an exception request for the timing of suitability inquiries for the position. The suitability statement cannot be modified.

All JOAs must adhere to the following general guidelines:

- Use plain language without federal jargon
- Employ active voice writing style and friendly tone, including using the word “you” instead of “incumbent”
- Avoid negative statements (e.g., “You will be rated INELIGIBLE if you do not submit a SF-50”)
- Exclude written essay-style questions or narratives as part of the **initial** application process
- Meet the Office of Personnel Management’s (OPM’s) [resume-only criteria](#) listed in DHS Hiring Reform Guidance 2, Section II, B. 1(a) & (b)
- Should not include a requirement that applicants be currently or recently employed. Rating criteria for JOAs should generally not address recency of employment experience
- Be no more than five pages in length, unless an exception has been granted by DHS OCHCO
- Contain a Human Resources/employer contact name, phone, and/or email address
- **Be grammatically correct, contain no spelling errors, and use the same font consistently throughout the JOA**

### Template Set-Up

The template aligns with the sections identified in USAJOBS. Each section (highlighted in **green text**) begins with a list of mandatory information required in the JOA. Next, a “formula” provides a basic format for writing the language in the section. Finally, there are examples of different ways to draft the section. **Red text** indicates where Components must fill in language and **dark blue text** indicates web links.



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Note: Information regarding reasonable accommodation, EEO policy statement, Selective Service requirements, and other legal and regulatory information is embedded in USAJOBS and appears automatically.

### Who May Apply

- U.S. Citizens
- [Remove this bullet if there is not a corresponding merit promotion (MP) announcement] [Status candidates](#) may also apply at: [insert link to MP JOA if applicable]
- [Required in all DHS DE JOAs] View [common definitions](#) of terms found in this announcement

### Job Summary

- ☐ Use mandatory **Consistency with All Applicable Authorities Statement** below
- ☐ Use mandatory **DHS Branding Statement** below
- ☐ Use **Component Branding Statement** (optional)
- ☐ Use **Occupation-Specific Branding Statement** (if applicable)
- ☐ Provide a high-level overview of the job in one to two sentences
- ☐ Describe the position's impact on agency mission
- ☐ Provide information to applicants on career progression, if applicable
- ☐ Use mandatory **Shared Certificates Statement** below

#### **Mandatory Consistency with All Applicable Authorities Statement**

Any offers of employment made pursuant to this announcement will be consistent with all applicable authorities, including Presidential Memoranda, Executive Orders, interpretive U.S. Office of Management and Budget (OMB) and U.S. Office of Personnel Management (OPM) guidance, and Office of Management and Budget plans and policies concerning hiring. These authorities are subject to change.

#### **Mandatory DHS Branding Statement**

The Department of Homeland Security (DHS) is calling on those who want to help protect American interests and secure our Nation. DHS Components work collectively to prevent terrorism; secure borders and our transportation systems; protect the President and other dignitaries; enforce and administer immigration laws; safeguard cyberspace; and ensure resilience to disasters. We achieve these vital missions through a diverse workforce spanning hundreds of occupations. Make an impact; join DHS.

#### **Component Branding Statement**

[Insert Component Branding Statement – it should be 2-3 sentences and link to component website.]

#### **Occupation-Specific Branding Statement**

[Insert Occupation-Specific Statement – it should be 2-3 sentences.]

### Job Summary

**Job summary formula:** [1-2 sentence high-level overview of the job] + [1 sentence impact on the agency mission] + [1 sentence on career progression with salary ranges (do not just refer to a GS grade (or equivalent band) level)].

#### **Job Summary Example 1:**

This position is ideal for an expert human resources (HR) professional looking for an opportunity to shape DHS staffing policy, including collaborating with experts in other functional areas to develop integrated HR policy recommendations. This position starts at a salary of \$XX,XXX (GS-XX grade level), with promotion potential to \$XX,XXX (GS-XX grade level). Apply for this exciting opportunity to become a member of the Policy and Programs Team in the DHS Office of the Chief Human Capital Officer (OCHCO).

#### **Job Summary Example 2:**

Joining the DHS Office of Intelligence & Analysis (I&A) will allow you to use your expertise to assess present and future homeland security threats. This intelligence analyst position starts at a salary of \$XX,XXX (GS-XX grade level), with promotion potential to \$XX,XXX (GS-XX grade level). Apply for this exciting opportunity to strengthen the Department's and our partners' ability to perform their homeland security functions by accessing, integrating, analyzing, and sharing relevant intelligence and information.



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### ***Mandatory Shared Certificates Statement***

Applying to this announcement certifies that you give permission for DHS to share your application with others in DHS for similar positions.

### **Relocation Authorized**

☐ Indicate whether relocation is authorized.

### **Key Requirements**

- ☐ Include statements regarding employment requirements (e.g., U.S. citizenship, Selective Service registration, clearance level, drug testing, residency requirements, etc.)
- ☐ **Exclude** information that is not a requirement of the job (e.g., relocation/retention/recruitment incentives will not be paid, etc.)
- ☐ For clarification purposes, key requirement statements should not be combined.

### ***Key Requirements Examples:***

- You must be a U.S. citizen to apply for this position.
- You must successfully pass a background investigation.
- You must be able to obtain [insert clearance level] security clearance.
- This position has been identified as a Testing Designated Position (TDP) for purposes of the DHS Drug-Free Workplace program.
- You will be required to undergo random drug testing.
- Applicants tentatively selected for this position will be required to submit to a drug test to screen for illegal drug use. A final offer of employment is contingent upon a negative drug test result.
- Up to \_\_% travel is required.
- You will be required to carry a firearm.
- You must be able to meet job-related medical and/or fitness standards.
- Financial disclosure is required.
- You must sign a mobility agreement and be willing to relocate as necessary.
- Selective Service registration required.
- You must meet the residency requirements outlined in the "Other Information" section of this job announcement.

### **Duties**

- ☐ List three to five major duties in bullet format (do not copy and paste from a position description)
- ☐ Begin each duty with an action verb
- ☐ List duties in a logical order
- ☐ Write the duties in a way the applicant can visualize/assess whether the position is a good fit
- ☐ Describe typical work assignments and team composition
- ☐ Emphasize value employee will create

### **Duties formula:**

[1-2 sentences to introduce the job duties] + [bullet 3-5 major duties, starting each bullet with an action verb]

### ***Duties Example 1:***

In this position, you will become a key member of a team of human resources (HR) professionals in a pivotal policy role from day one. You will build project teams and collaborate closely with others throughout the federal HR community.

Typical work assignments include:

- Conducting analyses, evaluations, examinations, or other fact-finding studies related to staffing policy
- Managing projects to develop Department-wide staffing policy
- Developing innovative approaches to DHS hiring practices
- Providing expert technical guidance on staffing issues to leadership and field HR offices



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### *Duties Example 2:*

Being a criminal investigator makes you a valuable member of the federal Law Enforcement Officer (LEO) profession. You will conduct criminal investigations and prepare for the prosecution of major criminal violators. Typical assignments include:

- Reviewing laws and regulations
- Applying basic investigative techniques and procedures
- Interviewing employees, government and private sector officials, and others to verify facts and specific information
- Securing signed statements, affidavits, and documentary evidence to be included in reports or case records
- Preparing reports

### **Qualifications Required**

- ☐ Use clear qualification requirements for each grade level
- ☐ Include selective placement factors, if any
- ☐ Describe specialized experience in a way the applicants will understand
- ☐ Include mandatory *National Service Experience Statement*
- ☐ Include mandatory *Current or Former Political Appointees Statement*
- ☐ Eliminate federal jargon
- ☐ Use specific examples in defining specialized experience at the next lower grade level
- ☐ Provide timeframe for when qualifications must be met (e.g., by the close of the announcement, 30 days after the closing date, etc.)
- ☐ **Exclude** time-in-grade language
- ☐ **Exclude** references to OPM's Qualification Standards Manual

**Qualifications formula:** [insert grade level] + [describe specific examples of specialized experience at the next lower grade level] + [describe education requirements/substitution, and/or selective placement factors, if applicable]

### *Qualifications Example 1 without Education:*

You qualify for the GS-13 grade level (starting salary \$XX,XXX) if you possess one year of specialized experience at the GS-12 grade level performing duties such as:

- Researching, interpreting, and reviewing staffing laws, regulations, policies
- Developing agency-wide staffing procedures
- Providing technical guidance on staffing issues
- Writing documents for a variety of audiences to convey complex or highly technical information

### *Qualifications Example 2 with Education Substitution:*

You qualify for the GS-07 grade level (starting salary \$XX,XXX) if you possess one of the following:

- A. One year of specialized experience at the GS-05 grade level that demonstrates the ability to advise and make recommendations concerning administrative operation of an organizational unit, answer questions/provide advice about organizational policies and procedures, compose letters and memoranda, and maintain schedules; **OR**
- B. A bachelor's degree with superior academic achievement, which is based on (1) class standing, (2) grade-point average, or (3) honor society membership. Go to [Application of Qualification Standards, Section 4, 'Educational and Training Provisions or Requirements,'](#) Subpart F., 'Superior academic achievement,' to see if you qualify under this provision; **OR**
- C. One full year of graduate level education at an accredited or pre-accredited college or university; **OR**
- D. A combination of successfully completed post-high school education and experience. This will be calculated using your resume and unofficial transcripts or a list of courses/course hours submitted with your application.

### *Selective Placement Factor (if applicable)*

In addition to the minimum qualifications described above, you must meet the following requirement(s) to be considered qualified for the position: [insert selective placement factor].



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### *Mandatory National Service Experience (i.e., volunteer experience) Statement*

Experience refers to paid and unpaid experience, including volunteer work done through National Service programs (e.g., Peace Corps, AmeriCorps) and other organizations (e.g., professional; philanthropic; religious; spiritual; community, student, social). Volunteer work helps build critical competencies, knowledge, and skills and can provide valuable training and experience that translates directly to paid employment. You will receive credit for all qualifying experience, including volunteer experience.

### *Qualifications Must Be Met*

The qualification requirements listed above must be met by [insert when must be met, e.g., by the closing date, or within 30 days of closing] of this announcement.

### *Mandatory Current or Former Political Appointees Statement*

The Office of Personnel Management (OPM) must authorize employment offers made to current or former political appointees. If you are currently, or have been within the last 5 years, a political Schedule A, Schedule C, Non-career SES or Presidential Appointee employee in the Executive Branch, you must disclose this information to the Human Resources Office.

### *How You Will Be Evaluated*

- ☐ Explain the evaluation process in plain language (e.g., "You will be evaluated based on your resume and responses to the job questionnaire")
- ☐ Describe the type of assessment test (e.g., self-assessment questionnaire, panel review, automated skills assessment, etc.)
- ☐ State the basis of rating and ranking method in plain language
- ☐ Describe quality categories for category rating
- ☐ Identify major competencies or knowledge, skills, and abilities (KSAs) needed to perform the job
- ☐ Identify when interviews are required in order to receive further consideration.
- ☐ Identify the Interagency Career Transition Assistance Program (ICTAP) well-qualified category (**Note to HR: DHS Components clear Career Transition Assistance Program (CTAP) eligibles through the DHS CTAP Activity Notice posted on [OCHCO Staffing Policy's DHS Connect](#) website prior to posting an announcement and making a selection.**)

**How you will be evaluated formula:** [explain evaluation process (e.g., structured interviews, assessment questionnaires, etc.)] + [list KSAs/competencies required for the job] + [describe quality categories under category rating] + [identify ICTAP/CTAP well-qualified category] + [if interviews are required, insert interview requirement language]

### *Suggested How You Will Be Evaluated Language: Category Rating*

We will review your resume and supporting documentation to ensure you meet the minimum qualification requirements. If you meet the minimum qualifications, we will [insert assessment technique, e.g., use a job questionnaire] to place you in one of three categories based on your experience, education, and training. The competencies or knowledge, skills, and abilities needed to perform this job are:

- [List Competencies or KSAs]

If you meet the minimum qualifications, you will be placed in one of the following categories:

1. **Best-Qualified:** Applicants possessing experience that substantially exceeds the minimum qualifications of the position and demonstrate high proficiency in all of the critical competencies, including all Selective Placement Factors (SPF) and appropriate Quality Ranking Factors (QRF) as determined by the job analysis.
2. **Well-Qualified:** Applicants possessing experience that exceeds the minimum qualifications of the position and demonstrates acceptable proficiency in all of the critical competencies, including all SPFs and appropriate QRFs as determined by the job analysis.
3. **Qualified:** Applicants possessing experience that meets the minimum qualifications of the position and demonstrate basic proficiency in most of the critical competencies, including all SPFs and appropriate QRFs as determined by the job analysis.

If you are best qualified, you may be referred to the hiring manager for consideration and may be called for an interview.



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Preview the [job questionnaire](#) [insert job questionnaire link].

**Veterans:** Qualified veterans who have a compensable service-connected disability of at least 10% are listed in the best-qualified category, except when the position being filled is scientific or professional at the GS-09 grade level, or higher. (This position [is or is not] considered scientific/professional.) Other 10-point preference eligibles and veterans with 5-point preference who meet the eligibility and qualification requirements are placed above non-preference eligibles within the category in which they qualify. View information on [veterans' preference](#).

**Interagency Career Transition Assistance Program (ICTAP) Eligibles:** If you have never worked for the federal government, you are not ICTAP eligible. View information about [ICTAP eligibility](#) on OPM's Career Transition Resources website. To be considered eligible under ICTAP, you must be placed in the well-qualified category for this position, as described above. In addition, you must submit the supporting documents listed under the required documents section of this announcement.

**Interview Requirement (If Applicable):** Interviews are required for this position. Failure to complete the interview may result in removal from further consideration.

### Benefits

- ☐ Use the mandatory **DHS Benefits Statement** below
- ☐ Describe any unique benefits or benefits you would like to highlight, if applicable (e.g., flexible work schedule, telework, recruitment incentives, relocation incentives, student loan repayment, etc.)

### Mandatory DHS Benefits Statement

DHS offers competitive salaries and an attractive benefits package, including: health, dental, vision, life, and long-term care insurance; retirement plan; Thrift Savings Plan [similar to a 401(k)]; Flexible Spending Account; Employee Assistance Program; personal leave days; and paid federal holidays. Other benefits may include: flexible work schedules; telework; tuition reimbursement; transportation subsidies; uniform allowance; health and wellness programs; and fitness centers. DHS is committed to employee development and offers a variety of employee training and developmental opportunities. For more information, go to the [DHS Careers](#) website and select "Benefits." [Disabled veteran leave](#) will be available to any Federal employee hired on or after November 5, 2016, who is a veteran with a service-connected disability rating of 30 percent or more.

### Other Information

- ☐ Include any other information not covered elsewhere in the JOA, which may include additional detail about firearms requirements, travel requirements, clearance level, residency requirements, mandatory fitness requirements, etc.
- ☐ Do not repeat information found in other sections of the JOA
- ☐ Use the mandatory **DHS E-Verify Statement** below.
- ☐ Use the mandatory **DHS Suitability Statement** below.
- ☐ Indicate whether the position to be filled is one where the requisite level of background investigation automatically requires a credit check after initial job qualifications have been met, or one where the requisite level of investigation does not automatically require a credit check (with the understanding that even where a credit check is not automatically required, it may later be required if the initial investigation surfaces a potential issue). (See also the financial suitability language and [Mythbusters on Federal Hiring Policies](#) embedded in USAJOBS in the Help Center at the bottom of each page.)

### Mandatory E-Verify Statement

DHS uses e-Verify, an Internet-based system, to confirm the eligibility of all newly hired employees to work in the United States. Learn more about [E-Verify](#), including your rights and responsibilities.

### Mandatory Suitability Statement

**[Select one of the following statements]**

**[If OPM has authorized an exception request for the timing of suitability inquiries for the position, use this statement]**

Pursuant to an exception granted by the Office of Personnel Management (OPM), your application must contain a completed [Optional Form 306, Declaration of Federal Employment](#). If you receive a conditional offer of employment for this position, you will be required to update your OF-306, and to again sign and certify the accuracy of all information in



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your application, prior to entry on duty. False statements on any part of the application may result in withdrawal of offer of employment, dismissal after beginning work, fine, or imprisonment.

**[Otherwise, use this statement]**

If you receive a conditional offer of employment for this position, you will be required to complete an [Optional Form 306, Declaration for Federal Employment](#), and to sign and certify the accuracy of all information in your application, prior to entry on duty. False statements on any part of the application may result in withdrawal of offer of employment, dismissal after beginning work, fine, or imprisonment.

### *Suggested Background Investigation Language*

**[Ensure consistency with the selected Suitability Statement]**

**Background Investigation:** To ensure the accomplishment of our mission, DHS requires every employee to be reliable and trustworthy. To meet those standards, all selected applicants must undergo and successfully pass a background investigation for **[insert clearance level]** as a condition of placement into this position. This may include **[insert type of information that may be reviewed in investigation, e.g., a credit check [before or after] initial job qualifications are determined, a review of financial issues such as delinquency in the payment of debts, child support and/or tax obligations, as well as certain criminal offenses and illegal use or possession of drugs.]**

### *Recommended Special Hiring Authority Language*

[Veterans](#), [Peace Corps/VISTA volunteers](#), and [persons with disabilities](#) possess a wealth of unique talents, experiences, and competencies that can be invaluable to the DHS mission. If you are a member of one of these groups, you may not have to compete with the public for federal jobs. To determine your eligibility for non-competitive appointment and to understand the documentation that is required, click on the links above or contact the Servicing Human Resources Office listed at the bottom of this announcement.

### *How to Apply*

- ☐ Provide a simple explanation of how to submit application
- ☐ Describe the different options for applying, i.e., online, via mail, or fax
- ☐ Identify all required documents and relevant information needed to apply
- ☐ **Exclude** requests for unnecessary documentation from the applicant, e.g., if education cannot be used to qualify, do not ask for a transcript
- ☐ **Exclude** the text of the entire assessment questionnaire from the body of JOA

### *Suggested USA Staffing Language*

Your application must be received by 11:59PM EST on **[insert closing date]**. To begin your online application, click the **Apply Online** button and follow the prompts to register or sign into USAJOBS, take the online questionnaire, and submit the required documents. See **Required Documents** section for more detail.

We strongly encourage you to apply online. If you cannot apply online, you may FAX your resume, assessment questionnaire, and supporting documents to **(XXX) XXX-XXXX**. You must submit a copy of [OPM Form 1203-FX](#) to document your responses to the [assessment questionnaire](#) **[link to occupational questionnaire]**.

If you do not have access to a computer or fax, you may submit a paper application and the required forms. To do so, please contact: **[insert contact information]** prior to the close of this announcement.

### *Suggested QuickHire Language*

Your application must be received by 11:59PM EST on **[insert closing date]**. To begin your online application, click the **Apply Online** button and follow the prompts to register or sign into USAJOBS, take the online questionnaire, and submit the required documents. See **Required Documents** section for more detail.

We strongly encourage you to apply online. If you cannot apply online, **[insert process for applying through fax]**.

If you do not have access to a computer or fax, you may submit a paper application and the required forms. To do so, please contact: **[insert contact information]** prior to the close of this announcement.

### *Required Documents*

#### *Suggested Required Documents Language*

1. Your resume
2. Your responses to the job questionnaire **[link to occupational questionnaire]** **[Remove this bullet if it is not**



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- applicable]
3. Your completed and signed [OF-306, Declaration for Federal Employment](#). [Remove this bullet if it is not applicable (i.e., where OPM has not granted an exception)]
  4. **Are you qualifying based on education?** Submit a copy of your college transcript (unofficial is acceptable) or a list of coursework with hours completed. Education completed in foreign colleges or universities may be used to meet Federal qualification requirements if you can show that your foreign education is comparable to education received in accredited educational institutions in the United States. For example, specific courses accepted for college-level credit by an accredited U.S. college or university, or foreign education evaluated by an organization recognized for accreditation by the Department of Education as education equivalent to that gained in an accredited U.S. college or university. It is your responsibility to provide such evidence with your application. See [Recognition of Foreign Qualifications](#) for more information. [Remove this bullet if it is not applicable]
  5. **Are you a veteran?** Submit Member Copy 4 of your DD-214 (Certificate of Release or Discharge from Active Duty) or notice form. Those applying for 10-Point preference may fill out the [SF-15](#) and/or provide documentation that demonstrates preference eligibility. If applying based on eligibility under the Veterans Opportunity to Work (VOW) Act, you must submit certification from the Armed Forces that you will be discharged or released from active duty within 120 days from the date on the certification. This must indicate your dates of service, your rank, and confirm that you will be separated under honorable conditions. View more [veterans' information](#).
  6. **Are you claiming special priority selection rights under the Interagency Career Transition Assistance Program (ICTAP)?** Submit:
    - a copy of your agency notice,
    - a copy of your most recent performance rating, and
    - a copy of your most recent SF-50, Notification of Personnel Action, noting your current position, grade level, and duty location.
  7. **Are you a current or former federal employee?** Submit a copy of your most recent SF-50, Notification of Personnel Action.
  8. **Are you a current or former political Schedule A, Schedule C, Non-career SES or Presidential Appointee employee?** Submit a copy of your applicable SF-50, along with a statement that provides the following information regarding your most recent political appointment:
    - Position title
    - Type of appointment (Schedule A, Schedule C, Non-career SES, or Presidential Appointee)
    - Agency
    - Beginning and ending dates of appointment

### What to Expect Next

- ☐ Inform applicants what to expect after they submit their application
- ☐ Include decision timeline (e.g., "We expect to make a selection within 60 days of the closing date of this announcement.")

**What to Expect Next Formula:** [explain application process] + [explain applicant notification process] + [include decision timeline]

### *Suggested What to Expect Next Language*

Once you submit your application, we will assess your experience and training, identify the best-qualified applicants, and refer those applications to the hiring manager for further consideration and interviews. We will notify you by email after each of these steps has been completed. Your status will also be updated on USAJOBS throughout the process. To check your status, log on to your USAJOBS account, click on "Application Status," and then click "More Information." We expect to make a job offer within [insert days] after the deadline for applications. If you are selected, we will conduct a suitability/security background investigation.

View more information on [applying for federal employment](#).



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**Re-advertising Positions:**

Re-advertisement of the same competitive service position requires the lapse of 90-calendar days from the original certificate issuance date. However, there are two exceptions for re-advertising before the 90-calendar day period expires:

1. If the position requirements changed significantly (e.g., the ranking criteria, the qualifications requirements including selective placement factors, or the grade level), the position is re-advertised without automatically considering the original applicants. The initial JOA is canceled and documented in the case file. When the position is re-advertised, a notice is sent directly to applicants who previously applied and the re-advertisement includes an annotation similar to the following: *"We are re-advertising this position to reflect a change in the (specify the change). As such, all previous applicants must reapply to receive consideration."*
2. If re-advertising is required due to insufficient applicants and there is no change to the position requirements, the position may be re-advertised within the 90-calendar day period. The initial JOA is canceled and documented in the case file. When the position is re-advertised, a notice is sent directly to applicants who previously applied and the re-advertisement includes an annotation similar to the following: *"We are re-advertising this position due to an insufficient number of applications. As such, all previous applicants must reapply to receive consideration."*





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**Employment Eligibility Verification**  
**Department of Homeland Security**  
**U.S. Citizenship and Immigration Services**

**USCIS**  
**Form I-9**  
OMB No. 1615-0047  
Expires 08/31/2019

► **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Attestation** (*Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.*)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number [ ][ ] - [ ][ ] - [ ][ ][ ][ ]		Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States ( <i>See instructions</i> )	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. ( <i>See instructions</i> )  <i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i>  1. Alien Registration Number/USCIS Number: _____ <b>OR</b> 2. Form I-94 Admission Number: _____ <b>OR</b> 3. Foreign Passport Number: _____ Country of Issuance: _____	QR Code - Section 1 Do Not Write In This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
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**Preparer and/or Translator Certification (check one):**

☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.  
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code



Employer Completes Next Page





## Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
<b>List A</b> Identity and Employment Authorization	<b>OR</b>	<b>List B</b> Identity	<b>AND</b>	<b>List C</b> Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)		Expiration Date (if any)(mm/dd/yyyy)
Document Title		<div>Additional Information</div> <div>QR Code - Sections 2 &amp; 3 Do Not Write In This Space</div>		
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any)(mm/dd/yyyy)				

**Certification:** I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): \_\_\_\_\_ (See instructions for exemptions)

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)		Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative		First Name of Employer or Authorized Representative		Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)			City or Town		State ZIP Code

## Section 3. Reverification and Rehires (To be completed and signed by employer or authorized representative.)

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
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I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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**LISTS OF ACCEPTABLE DOCUMENTS****All documents must be UNEXPIRED**

Employees may present one selection from List A  
or a combination of one selection from List B and one selection from List C.

<b>LIST A</b> <b>Documents that Establish</b> <b>Both Identity and</b> <b>Employment Authorization</b>	<b>OR</b>	<b>LIST B</b> <b>Documents that Establish</b> <b>Identity</b>	<b>AND</b>	<b>LIST C</b> <b>Documents that Establish</b> <b>Employment Authorization</b>
1. U.S. Passport or U.S. Passport Card		1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		3. School ID card with a photograph		3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
4. Employment Authorization Document that contains a photograph (Form I-766)		4. Voter's registration card		4. Native American tribal document
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		5. U.S. Military card or draft record		5. U.S. Citizen ID Card (Form I-197)
		6. Military dependent's ID card		6. Identification Card for Use of Resident Citizen in the United States (Form I-179)
		7. U.S. Coast Guard Merchant Mariner Card		7. Employment authorization document issued by the Department of Homeland Security
		8. Native American tribal document		
		9. Driver's license issued by a Canadian government authority		
		<b>For persons under age 18 who are unable to present a document listed above:</b>		
		10. School record or report card		
		11. Clinic, doctor, or hospital record		
		12. Day-care or nursery school record		
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI				

Examples of many of these documents appear in Part 13 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

## QUESTIONNAIRE

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

U.S. Department of Education.

Point of Contact:

Brian Thompson

Military Affairs Team

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

(202) 453-6868

[MAT@ed.gov](mailto:MAT@ed.gov)

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part of making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

In general, to qualify for federal student aid (grants, loans, and work-study funds), a male student who is subject to registration with the Selective Service must register with the Selective Service System. Please review the following Memorandum of Understanding between the U.S. Department of Education (Department) and the Selective Service System (SSS), effective on April 26, 2017, (<https://www2.ed.gov/about/offices/list/om/docs/pirms/sss-cma.pdf>), for a detailed discussion of how this Department uses Selective Service registration information for awarding federal student aid. A signed copy of the Memorandum of Understanding is attached.

The requirement to register with SSS in order to be eligible for federal student aid is in the Military Selective Service Act, 50 USC 3811(f), and implemented at the Department through 20 USC 1091(n) and 34 CFR 668.37.

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

The Department verifies potential employees' selective service registration information as part of the personnel security and background investigation process.

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

The Department reviews potential employees' job applications for all qualifying experience, including any public service jobs, as part of the applicant assessment and certification process.

In addition, as part of the process for determining federal student aid borrowers' eligibility for certain loan forgiveness/cancellation programs, the Department evaluates documentation reflecting an individual's employment history at the time he or she applies for such benefits, including whether employment in public service or in certain teaching roles meets the eligibility requirements of these forgiveness/cancellation programs.

#### **RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

The Department was created after the elimination of the draft.

2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

As mentioned above, to be eligible for federal student aid, a male student who is subject to registration with the Selective Service must register with the SSS. The student has several ways to register, including using the Department's Free Application for Federal Student Aid (FAFSA). The Department will submit a student's registration information to the SSS if he requests it by filling out the applicable item on the FAFSA. If he does not request on the FAFSA that the Department register him, he can do so later on the student aid report and submit the correction. The student may also register online at the SSS website ([www.sss.gov](http://www.sss.gov)) or by filling out a form available at the post office.

Some students have been denied federal student aid because they failed to register with the Selective Service before their 26th birthday. The Selective Service will register only males age 18 through 25, leaving older students with no way to remedy their situation if they failed to register. However, the student may still be eligible to receive federal student aid if he can demonstrate that he did not knowingly and willfully fail to register.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

The Department does not play any role in the implementation of a draft were one to be ordered.

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

The Department does not anticipate any issues with the ability to execute its mission should a crisis warrant the implementation of a draft.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

The Department does not need any changes to any laws, regulations, policies, or tools related to the Military Selective Service Process at this time.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

The current Military Selective Service Process does not pose any problems for the Department.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

The Department's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Congress established the Department on May 4, 1980, in the Department of Education Organization Act (DEOA) Pub. L. No. 96-88, 93 Stat. 668 (1979). The stated purposes of the DEOA are to:

- Strengthen the federal commitment to ensuring access to equal educational opportunity for every individual;
- Supplement and complement the efforts of states, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education;
- Encourage the increased involvement of the public, parents, and students in federal education programs;
- Promote improvements in the quality and usefulness of education through federally supported research, evaluation, and sharing of information;
- Improve the coordination of federal education programs;
- Improve the management and efficiency of federal education activities; and
- Increase the accountability of federal education programs to the President, the Congress, and the public.

Although the Department's primary mission is not focused on fostering an ethos of military, national, and/or public service, the Department plays a leadership role in the ongoing national dialogue over how to improve the results of our education system for all students. This involves raising national and community awareness of the importance of military, national, and public service. For example, the TEACH Grant program awards annual grants of up to \$4,000 to eligible undergraduate and graduate students who, within eight years of graduation, agree to serve as full-time teachers in mathematics, science, foreign language, bilingual education, special education, or reading at a high-need school for not less than four years. Additionally, the Department takes affirmative steps in the servicing of veterans' and service members' loans, such as data matching with the Department of Defense (DoD) Manpower Data Center to cap active duty service members' interest rates and to ensure that DoD employees applying for forgiveness have the maximum allowable benefits under the law.

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

a. Expand DoD Troops to Teachers Program

Through Troops to Teachers (TTT), the DoD can systematically place transitioning service members and veterans into teaching positions. TTT provides counseling and referral services for interested service members to help meet the education and licensing requirements to secure a teaching position. TTT is funded and structured as a job placement tool and has been overlooked as a way to enhance national, public, and military service. A 2011 Pew Research Center study shows 82 percent of post-9/11 veterans would advise a young person close to them to join the military.<sup>1</sup>

Since 1994, TTT has helped over 17,000 veterans become teachers by providing financial assistance to individuals hired as a full time teacher in either an “Eligible” or “High-Need” school. TTT provides the nation’s schools with highly effective teachers who are more likely to remain in the education profession than teachers in general.<sup>2</sup> Our nation’s children deserve great teachers, and veterans have proven that they are some of the very best.

Considering over 200,000 service members transition each year, the Commission on Military, National, and Public Service should explore options to expand TTT eligibility requirements to include all honorable discharged veterans as well as their spouses. In addition, TTT should expand its recruiting efforts for positions in schools to include not only teachers, but also other educational fields, such as principals, administrators, deans, counselors, nurses, teacher aides, and other support personnel. The Department believes that more military-connected individuals working in the nation’s schools could increase youth’s propensity toward military, national, and public service.

b. Consider Incentives and Education Programs to Enhance and Expand Military, National, and Public Service at the State and Local Level

Incentives and education programs to enhance and expand innovative approaches to educate youth about the importance of military, national, and public service at the state and local level could increase youth’s propensity for military, national, and public service. If today’s youth are exposed to educational opportunities associated with military, national, and public service, more youth may consider serving their country in the future. Students could be exposed on a far larger scale to the experiences of service members, veterans, and public servants throughout their time in school. In addition, national holidays and days of remembrance provide good learning opportunities for students to learn about how to serve their country.

The Elementary and Secondary Education Act of 1965 (ESEA), as recently amended by the Every Student Succeeds Act (ESSA), provides, consistent with the purposes and allowable activities of each

<sup>1</sup> Taylor, P. (2011). *The Military-Civilian Gap: War and Sacrifice in the Post-9/11 Era*. Washington: Pew Research Center. Available at: <http://assets.pewresearch.org/wp-content/uploads/sites/3/2011/10/veterans-report.pdf>.

<sup>2</sup> Owings, W. A., Kaplan, L. S., Khrabrova, I., & Chappell, S. (2014). *Troops to Teachers Grant Study 4: Technical Report*. DANTES.



program, flexibility to states to do what is best for children. Through ESEA, states can incorporate appropriate incentives and activities that teach students about the benefits of military, national, and public service.

c. Promote Multiple Career Pathways to America's Youth

Today, almost 70 percent of high school graduates are enrolled in colleges or universities.<sup>3</sup> Although higher education is an important investment that can lead to successful outcomes, it can also lead to high levels of student debt if a student does not complete the program of study or chooses a career with insufficient compensation to repay loans. America's youth need to understand that multiple career pathways exist in today's 21<sup>st</sup> century economy, including apprenticeships, on-the-job training, and military, national, and public service.

Through the [President's Executive Order "Expanding Apprenticeships in America"](#), the federal government is taking the necessary steps to provide and promote more affordable career pathways. State and local communities, however, are best equipped to ensure students understand the career options available to them. ESEA provides the flexibility to states to make students aware of the variety of career options that are available, including options for military, national, and public service.

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

If a draft were implemented, the Department does not anticipate any issues with the ability to foster a greater ethos of military, national, and/or public service.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

The Department does collect data and oversee research on the nation's schools, but it does not currently have any metrics that assess the current ethos of military, national, and/or public service.

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<sup>3</sup> Bureau of Labor Statistics. (2017). *College Enrollment and Work Activity of 2016 High School Graduates*. Available at: <https://www.bls.gov/news.release/hsgec.htm>

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, DoD requests that the participating agencies respond to this survey with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

Commissioned Corps of the U.S. Public Health Service (USPHS)  
Department of Health and Human Services

POC: RADM Joan Hunter  
240-453-6000  
Joan.Hunter@hhs.gov

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

No

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

In order for a male candidate for a commission to meet the Tier 3 background investigation requirements and receive an appointment to the Commissioned Corps of the USPHS, he must have registered in the Military Selective Service Process.

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.
  - No specific requirement regarding public service history, but a candidate's full professional experience, as well as commitment to service, is reviewed by an Appointment Board to determine his/her suitability for an appointment.
  - Regarding citizenship, 42 U.S.C. §204(a)(2) requires that all Commissioned Officers must be citizens of the United States (attached). This requirement is also found in regulation and policy at 42 C.F.R. §21.25 and CCI 231.01, "General Appointment Standards," §6-1.a., respectively (<https://www.gpo.gov/fdsys/pkg/CFR-1996-title42-vol1/pdf/CFR-1996-title42-vol1-part21-subpartB.pdf> and [https://dcp.psc.gov/ccmis/ccis/documents/CCI2\\_3\\_1\\_01.pdf](https://dcp.psc.gov/ccmis/ccis/documents/CCI2_3_1_01.pdf), respectively).

#### **RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

The Commissioned Corps of the USPHS existed, but did not play a role in implementing the draft.

2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

No programs or benefits administered by the Commissioned Corps of the USPHS.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

The USPHS is currently classified by the Selective Service as Category 1-C.

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

Because PHS is classified as a Category 1-C, an active draft may result in an influx of individuals seeking an appointment to the Commissioned Corps of the USPHS as a way to satisfy their uniformed active duty service obligation, which would have a positive impact on the mission. However, if the Commissioned Corps of the USPHS is militarized pursuant to 42 U.S.C. §217, it is likely that some Commissioned Officers

would be reassigned to the various military services which could impact the ongoing public health missions.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

The role of the Commissioned Corps of the USPHS should remain unchanged.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

The current process does not present any issues for the Commissioned Corps of the USPHS.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

The Commissioned Corps of the USPHS is a Uniformed Service whose core values are Leadership, Service, Integrity, and Excellence. These values are promoted in recruitment materials, are a factor considered during the appointment process, and are emphasized during an individual's initial basic training. Many of the available assignments are serving underserved and vulnerable populations.

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

Develop and implement more robust outreach efforts to inform individuals of the various types of rewarding opportunities that exist in the Commissioned Corps of the USPHS to serve the underserved and vulnerable populations of our Nation. Such an effort could be achieved through a number of avenues:

- Greater utilization of a variety of social media venues in order to leverage the reach that these platforms have to both the youth and those who influence youth.
- The Commissioned Corps of the USPHS has ongoing efforts partnering with Remote Area Medical (RAM) to provide health services to underserved and vulnerable populations. Expanding this model with similar groups such as Faith Based and other organizations to provide joint public service missions would serve to inform these organizations of uniformed service opportunities and encourage those who influence youth to share their experiences.
- In the past, Commissioned Officers have volunteered in outreach opportunities such as the Boy Scout's Jamboree and serving as judges in local high school science fairs. Encouraging and expanding such volunteer opportunities would provide visibility of service opportunities within these groups.

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

Because of the possibility of an influx of individuals who may apply to the Commissioned Corps of the USPHS, we would be able to instill a greater sense of service through their initial training as well as placing them in positions of service to underserved and/or vulnerable populations.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?
  - A candidate for appointment to the Commissioned Corps of the USPHS undergoes a comprehensive review process that includes a thorough evaluation of his/her medical history, background investigation, and experience. A portion of the review includes a written personal statement and interview by an Appointment Board. The personal statement and interview assess the candidates' experience and commitment/willingness to serve underserved and vulnerable populations.
  - As a part of active duty officers' periodic promotion review, a portion of the assessment of their suitability for promotion includes their commitment to service as well as their involvement, engagement, and outreach to professional and community organizations.





## U.S. Department of Justice

NOV 17 2017

Washington, D.C. 20530

Ms. Stephanie Barna  
Acting Assistant Secretary of Defense,  
Manpower and Reserve Affairs

Dear Ms. Barna,

The Department of Justice (DOJ) appreciates the opportunity to contribute to the Interagency Cabinet Recommendations to the Congress and the National Commission on Military, National and Public Service. We have reviewed the Questionnaire developed by your staff and offer the following summary regarding the Department's engagement with the military selective service process.

The Department's primary interaction with the military selective service process is in ascertaining registration among covered individuals who are selected for employment with DOJ. To be eligible for an appointment with an Executive agency, all males ages 18 through 25 who are either United States (U.S.) citizens (living anywhere) or aliens living in the U.S. must register for the Selective Service, unless exempted from the registration requirements. Under section 3328 of title 5, United States Code, an individual is ineligible for appointment to a position in an Executive agency if he knowingly and willfully failed to meet Selective Service registration requirements. Covered applicants must demonstrate they registered with the Selective Service System as part of the application process. Additionally, all Department employees, pursuant to Executive Order (EO) 10450, 5CFR 731 and EO 12968, as amended, are subject to a background investigation and regular reinvestigations to determine suitability, fitness for employment, and/or eligibility to occupy a national security position. A check of the disposition of an employee's registration with the Selective Service System is an investigative requirement of all background investigations. If the investigation shows that an employee did not register for the military selective service, the facts and circumstances surrounding the decision not to register will be evaluated and may lead to an unfavorable adjudication.

The Department also has a role in government-wide enforcement of the requirement that males register for the selective service. If a male fails to register, or provide the Selective Service System with evidence that he is exempt from the registration requirement, after receiving a selective service reminder and/or compliance mailings, his name is referred to the Department of Justice for possible investigation and prosecution for his failure to register as required by the Military Selective Service Act. For clarification, if a male is exempt from registering with the Selective Service System, his name is not forwarded to the Department of Justice. The federal

law stipulates that names are to be submitted to the Department of Justice annually. During FY 2015, 146,997 names of suspected violators were provided to the DOJ.

In response to some of the questions included in your questionnaire, the Department does not have any recommendations for modifying its role in a draft nor does the current draft process pose any problems for our agency.

Thank you again for the opportunity to contribute to the communication to the National Commission on Military, National and Public Service. Please contact me at 202-514-3101 if you have any questions about this summary.

Sincerely,



Lee J. Lofthus  
Assistant Attorney General  
for Administration

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, DoD requests that the participating agencies respond to this survey with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

Department of Labor  
 Matthew M. Miller  
 Deputy Assistant Secretary (Policy)  
 Veterans Employment and Training Service (VETS)  
 Office: 202-693-4754; [miller.matthew.m@dol.gov](mailto:miller.matthew.m@dol.gov)

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

The U.S. Department of Labor (DOL) complies with 5 USC 3328 and 5 CFR Part 300 which bars certain male individuals from employment with an executive agency of the Federal Government if they fail to register for Selective Service, unless the U.S. Office of Personnel Management (OPM) grants a waiver. DOL verifies potential employees’ selective service registration information as part of the personnel security and background investigation process.

In addition, pursuant to the Workforce Innovation and Opportunity Act (WIOA), section 189(h), individuals participating in any program or activity established under title I of WIOA, or receiving any assistance or benefit under title I of WIOA, must not be in violation of section 3 of the Military Selective Service Act (50 U.S.C. App. 453). DOL's Job Training programs are authorized by WIOA.

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

DOL uses Optional Form (OF) 306, Declaration for Federal Employment, to check an applicant's Selective Service registration related to civil service employment law (5 U.S.C. 3328). The OF 306 also contains information on citizenship. Each Human Resources Office must verify selective service registration for selected candidate(s).

As noted above, section 189(h) of WIOA requires that anyone served with WIOA funding must not have violated section 3 of the Military Selective Service Act (50 USC App. 453) by not registering for military service. DOL requires that States, Local areas, and discretionary grant organizations ensure participants meet Selective Service Registration requirements. See Training and Employment Guidance Letters (TEGL) 11-11, Change 1 and Change 2, available at: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=8779](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8779) and [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=6972](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6972).

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

DOL must ensure potential candidates for employment meet OPM job qualifications for General Schedule and Senior Executive Service positions in accordance with 5 USC 3325 and 5 USC 3392, respectively. Human resources practitioners review employment applications to ensure candidates meet OPM job qualification requirements. These reviews include the applicant's education and/or work history which may include public service, private sector experience, military service, training and other relevant experience or certifications. Hiring managers often conduct employment reference checks which may include securing information about prior public service.

#### **RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

DOL existed but had no role in implementing the draft during periods when a draft was in effect. However, historical records indicate that the Department of Labor had some involvement with the draft in WWI and through the Vietnam-era. While a comprehensive report of this activity was not possible for purposes of this survey, the following information provides a broad overview of this involvement. [Note: Additional questions on historical DOL activities may be directed to the DOL Librarian (Margaret L. Emons, Law Librarian, Emons.margaret.l@dol.gov; 202.693.6635)]

With regard to WWI, the National Archives has organizational authority records concerning the War Department, Office of the Provost Marshal General (5/22/1917 – 7/15/1919), detailing the designation of a Provost Marshal General to administer the Selective Service Act of May 18, 1917. A record in the National Archives (available at: <https://catalog.archives.gov/id/10464204>) indicates that the Department of Labor had a role in nominating an "industrial advisor" to district boards that reviewed the decisions of local boards



concerning the acceptance or exclusion of persons engaged in necessary occupations. Historical Reports from DOL during this timeframe also reflect consideration of how the draft may impact the available labor force. For example, see Reports of the Department of Labor, 1918, on pages 721-722 (available at: <https://books.google.com/books?id=YHhHAQAAMAAJ&pg=PA721&lpg=PA721&dq=%22department+of+labor%22+draft+%22selective+service%22&source=bl&ots=I7RBQ2HW1o&sig=AuiciXBhQqMxgTqkMHBw9soQFYA&hl=en&sa=X&ved=0ahUKEwjkwuSTpcHXA hVJ7mMKHTrZA944ChDoAQhBMAU#v=onepage&q=%22department%20of%20labor%22%20draft%20%22selective%20service%22&f=false>).

A document from 1941, entitled Handbook of Labor Statistics, contains a section entitled “*Labor Under the Selective Service Law*.” The discussion, which begins on page 140, discusses general provisions, provisions affecting labor, and provisions applicable to industry. The report is available at: [https://books.google.com/books?id=41Mc6YEN\\_3kC&pg=PA140&lpg=PA140&dq=%22bureau+of+labor+statistics%22+draft+%22selective+service%22&source=bl&ots=MeDWxlrut6&sig=PkJcbRG4\\_6C045FjQZBjDR1wAs&hl=en&sa=X&ved=0ahUKEwiy99SKsMHXA hUHwGMKHZFbBqQQ6AEINjAD#v=onepage&q=%22bureau%20of%20labor%20statistics%22%20draft%20%22selective%20service%22&f=false](https://books.google.com/books?id=41Mc6YEN_3kC&pg=PA140&lpg=PA140&dq=%22bureau+of+labor+statistics%22+draft+%22selective+service%22&source=bl&ots=MeDWxlrut6&sig=PkJcbRG4_6C045FjQZBjDR1wAs&hl=en&sa=X&ved=0ahUKEwiy99SKsMHXA hUHwGMKHZFbBqQQ6AEINjAD#v=onepage&q=%22bureau%20of%20labor%20statistics%22%20draft%20%22selective%20service%22&f=false)

The War Manpower Commission was created in 1942 by Executive Order 9139. The Department of Labor was represented on the Commission, along with the Selective Service System, the Department of War, the Department of Agriculture, and other agencies. While not involved with the draft, the Commission did develop plans, programs and national policies on the effective use of manpower in the prosecution of the war. Records of the War Manpower Commission are available at: <https://www.archives.gov/research/guide-fed-records/groups/211.html>

A 1958 Code of Federal Regulations (Title 32A – National Defense Appendix) concerned rules issued pursuant to the Defense Production Act of 1950 and various Executive Orders. One section of the code (DMP2 – Manpower Program for the Machine Tool Industry, page 69) states that “*The Department of Labor’s Defense Manpower Administration, the Selective Service System and the Department of Defense shall develop policies applicable to the induction and deferment of apprentices which can be applied to the machine tool industry.*” The document is available

at: [https://books.google.com/books?id=viZNqejRPGC&pg=PA69&lpg=PA69&dq=%22department+of+labor%22+draft+%22selective+service%22&source=bl&ots=f5cUx4MyJK&sig=OUyBxRabkYELSpQs\\_eez9\\_tMvY0&hl=en&sa=X&ved=0ahUKEwjuNKYqcHXA hVF0WMKHUjED3U4FBD0AQg1MAU#v=onepage&q=%22department%20of%20labor%22%20draft%20%22selective%20service%22&f=false](https://books.google.com/books?id=viZNqejRPGC&pg=PA69&lpg=PA69&dq=%22department+of+labor%22+draft+%22selective+service%22&source=bl&ots=f5cUx4MyJK&sig=OUyBxRabkYELSpQs_eez9_tMvY0&hl=en&sa=X&ved=0ahUKEwjuNKYqcHXA hVF0WMKHUjED3U4FBD0AQg1MAU#v=onepage&q=%22department%20of%20labor%22%20draft%20%22selective%20service%22&f=false).

Congressional records also reflect involvement by DOL in the Vietnam-era draft. For example, during a hearing before the Senate Committee on Labor and Public Welfare, Subcommittee on Employment and Manpower (October 29, 31; November 6, 7, and 8, 1963), Daniel P. Moynihan, then Assistant Secretary of Labor, submitted a statement to the Committee describing the Task Force on Manpower Conservation. The statement (appearing on pages 2761 – 2764 of the Committee Report) states that the Task Force was established “to prepare a program for the guidance, testing, counseling, training, and rehabilitation of youths found disqualified for military service under the Selective Service System because of failure to meet the physical or mental standards of the Armed Forces, and to make such recommendations as their survey of this situation suggests.” The document is available

at: [https://books.google.com/books?id=DJQvAAAAMAAJ&pg=PA2764&lpg=PA2764&dq=%22department+of+labor%22+draft+%22selective+service%22&source=bl&ots=Tw4wx7qHq&sig=PwyFHblvsfIPo9CW\\_OneS\\_oCkgl4&hl=en&sa=X&ved=0ahUKEwjkwuSTpcHXA hVJ7mMKHTrZA944ChDoAQhRMak#v=onepage&q=%22department%20of%20labor%22%20draft%20%22selective%20service%22&f=false](https://books.google.com/books?id=DJQvAAAAMAAJ&pg=PA2764&lpg=PA2764&dq=%22department+of+labor%22+draft+%22selective+service%22&source=bl&ots=Tw4wx7qHq&sig=PwyFHblvsfIPo9CW_OneS_oCkgl4&hl=en&sa=X&ved=0ahUKEwjkwuSTpcHXA hVJ7mMKHTrZA944ChDoAQhRMak#v=onepage&q=%22department%20of%20labor%22%20draft%20%22selective%20service%22&f=false).



2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

Selective Service Registration is a requirement for certain males in order to be eligible for Federal employment. In accordance with section 3 of the Military Selective Service Act, 50 U.S.C. App. 453, (the Act), all males born after December 31, 1959 are required to register with the Selective Service. Per title 5 USC 3328 and the Code of Federal Regulation 5 CFR 300 subpart G, individuals who fail to register with the Selective Service are not eligible for Federal employment.

As noted above, section 189(h) of WIOA requires that anyone served with WIOA funding must not be in violation of section 3 of the Military Selective Service Act (50 USC App. 453) by failing to register for military service.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

DOL Human Resources (HR) officials would likely be involved in ensuring DOL employees comply with any new registration requirements; addressing requests for waivers, and producing any reports required by other Federal agencies. In addition, DOL employment and training grantees provide appropriate referrals to employment, which may include service in the nation's military.

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

DOL does not anticipate that the execution of a draft would significantly impact the agency's ability to execute the mission of the agency beyond the effects that would generally impact the Federal Government.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

DOL would continue to use OF 306 (or subsequent OPM forms) to verify Selective Service registration.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

The process does not pose problems.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

DOL participates in internal and external public service recognition events and events honoring military service; supports reservist and National Guard services, as applicable; hires veterans in accordance with existing laws; and supports staff in various national and public service activities like hurricane relief and similar state, regional and national emergency work.

DOL's mission is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions, advance opportunities for profitable employment, and assure work-related benefits and rights.

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

DOL is committed to enhancing employment opportunities for veterans and transitioning service members. Additionally, DOL youth-serving programs provide career exploration activities and individualized assessments to help youth participants identify appropriate pathways for their interests, which may include military service (a recognized positive outcome for placement under the WIOA performance indicators). DOL is focused on supporting the ability of all Americans to find good safe jobs, and is committed to policies that lead to continued job growth, workforce development and increased opportunities in all sectors of the economy.

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

At this time the Department does not anticipate any changes in DOL's ability to foster a greater ethos of military, national, and/or public service as a result of the implementation of the draft.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

DOL does not currently have any metrics that assess the current ethos of military, national, and/or public service.

DOL collects data on our programs and the Bureau of Labor Statistics collects, analyzes, and disseminates essential economic information to support public and private decision-making. DOL also complies with OPM hiring and suitability procedures and reporting. In addition, DOL participates in the Federal Employee Viewpoint Survey and uses survey data to identify areas for improvement, and reports on recruitment and retention progress with regard to employment of veterans.

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, the <Commission, DOD, someone else?> requests the following agencies respond to this survey <list the agencies > with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information
  - Joint Staff (JS), POC: Mr. David Fortson, david.m.fortson.civ@mail.mil, 703-571-9823
2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.
  - Service members assigned to the Joint Staff (JS) must meet the requirements of their individual Service. In accordance with 5 U.S.C 3328, all initial selectees for Federal employment must verify registration in the Selective Service if male, with several exceptions.
3. Does your Agency, Department, or Organization routinely check an applicant’s Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation.
  - No, the JS does not routinely check an applicant’s Selective Service registration information as part of its mission. However, in accordance with 5 U.S.C 3328, all initial selectees for Federal employment must verify registration in the Selective Service if male, with several exceptions, during the hiring process.

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.
  - No, the JS does not routinely check an applicant's public service history as part of its mission.

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?
  - The Joint Chiefs of Staff, as an advisory body supported by the JS, provided recommendations on joint force requirements – including personnel end strengths – to the Secretary of Defense and President of the United States. During the two periods when conscription was in effect (1940-47 and 1948-73) the JCS contributed strategic advice to plans governing the modes and rates of induction and demobilization, registration standards and requirements, and the length and type of service commitments.
2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?
  - No. The JS does not administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement.
3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?
  - If a draft were implemented today, if directed, the JS would support the Chairman in carrying out his responsibilities as principle military advisor to the president.
4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?
  - The JS would still be able to execute its mission.
5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?
  - The JS's role should not be modified in any way. Part of the JS's mission is to assist the CJCS in providing the strategic direction of the armed forces, in preparing strategic plans, in preparing logistic and mobility plans, and in performing net assessments.
6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.
  - The current Military Selective Service Process does not pose any problems for the JS.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?
  - Not applicable.
2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?
  - The JS offers no recommended changes.
3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?
  - Please refer to the Services' responses for the military population assigned to the JS. The execution of the draft will not change the JS's ability to foster a greater ethos of public service for civilians assigned to the staff.
4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?
  - Not applicable.



## **QUESTIONNAIRE**

### **INSTRUCTIONS**

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, the Commission requests agencies respond to this survey with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### **GENERAL AGENCY INFORMATION:**

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

Assistant Secretary of the Navy (Manpower and Reserve Affairs): Ms. Lisa Truesdale, Director, Military Personnel and Analyses, (703) 692-4516, [lisa.truesdale@navy.mil](mailto:lisa.truesdale@navy.mil)

Navy: CDR Doug Barnard, Director of Operations, Navy Recruiting Command, (901) 874-9055, [douglas.l.barnard@navy.mil](mailto:douglas.l.barnard@navy.mil)

Marine Corps: Mr. Scott Alley, Future Plans Branch Head, Deputy Commandant Marine Corps (Manpower and Reserve Affairs), (703) 432-9225, [james.s.alley@usmc.mil](mailto:james.s.alley@usmc.mil)

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part of making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

The Department of the Navy (DON), like other federal agencies, has a requirement in statute to use Selective Service registration information as part of eligibility determinations for federal employment. Specifically, in accordance with 5 USC 3328, any individual required to register for Military Selective Service but has not done so, is ineligible for federal employment unless he can prove, by a preponderance of the evidence, that the failure to register was neither knowing nor willful.

In terms of military service-level guidance, both Navy and Marine Corps' recruiting regulations, COMNAVCRUITCOMINST 1130.8K, MCO 1130.76D, and MCRCO 1100.1, refer to DD Form 4, *Enlistment/Reenlistment Document for the Armed Forces of the United States*, in which all male applicants acknowledge "completion of this form constitutes registration with the Selective Service System in accordance with the Military Selective Service Act. Incident thereto the Department of Defense may transmit my name, permanent address, military address, Social Security Number, and birthdate to the Selective Service System for recording as evidence of the registration."

References:

COMNAVCRUITCOMINST 1130.8K –

<https://mpte.navy.deps.mil/sites/nrc/NRC%20Directives/Directives/Instructions/1000/NAVY%20RECRUITING%20MANUAL-ENLISTED.PDF>

MCO 1130.76D –

[http://www.marines.mil/Portals/59/Publications/MCO%201130.76D%20\(secure\).pdf?ver=2017-03-13-075605-413](http://www.marines.mil/Portals/59/Publications/MCO%201130.76D%20(secure).pdf?ver=2017-03-13-075605-413)

MCRCO 1100.1 – <http://www.hqmc.marines.mil/Portals/61/Docs/FOIA/MCRCO1100.1EPM.pdf>

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

The DON routinely checks an applicant's Selective Service registration information as part of our mission. In accordance with 5 CFR Part 300, Subpart G, as part of pre-appointment requirements, we review the selectee's documents, e.g. OF-306, *Declaration for Federal Employment*, and follow up by checking the Selective Service registration verification site. If the individual is not registered and is under 26, we advise him to register within two business days to be considered further for appointment. If the individual did not register, should have registered, but is over 26 we follow our Selective Service registration waiver request process, in accordance with 5 CFR 300.705. Prior to

appointment to a DON federal civilian position, all male selectees must provide proof of registration in the Selective Service. This is part of the standard onboarding process.

In terms of military service, DD Form 1966, *Record of Military Processing - Armed Forces of the United States*, has blocks to indicate an applicant's Selective Service classification and Selective Service registration number. Beyond providing this information, there is no further follow up in the Navy and Marine Corps.

References:

DoDI 1304.2, Accession Processing Data Collection Forms

OPM Form OF-306 – <https://www.opm.gov/forms/pdf fill/of0306.pdf>

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

While DON does not routinely check an applicant's public service history as part of our mission, various forms, such as the SF-86, *Questionnaire for National Security Positions*, require employment history. For DON civilian employment in particular, the Office of Civilian Human Resources does not verify public service history other than to determine whether it is applicable to meeting qualification requirements for a specific DON civilian position. During the hiring process, a hiring manager may choose to verify any employment experience documented on a resume to include public service experience.

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

According to the February 1970 *Report of the President's Commission on an All-Volunteer Armed Force*, the Navy and Marine Corps have occasionally issued draft calls to meet temporary shortfalls from 1950 to 1970. Our research indicates the Marine Corps last received inductees from the draft during the Vietnam War. Between 1965 and 1970, the Marine Corps drafted approximately 42,000 Marines in order to meet force requirements. During this period, the Marine Corps reached an active duty end strength of nearly 310,000 as compared to today's end strength of approximately 185,000. Like the Marine Corps, the Navy last received inductees from the draft during the Vietnam War. Between 1963 and 1970, the Navy drafted approximately 2,500 Sailors. During this period, the Navy reached an active duty end strength of about 776,000 as compared to today's end strength of approximately 324,000.

2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

As described in Question #3 in the first section, registration in the Selective Service is a prerequisite for Federal civilian employment.

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

The DON would play a role in the implementation of a draft were one to be ordered in the future. The Joint Service Regulation, Military Entrance Processing Station (MEPS), prescribes policies, procedures, and functions for processing Selective Service System registrants for induction into the military services. The specific Navy reference is OPNAVINST 1100.4C, and the Marine Corps reference is MCO 1100.75F. The Marine Corps' Enlisted Processing Manual, MCRCO 1100.1, contains a specific Appendix F on mobilization. The purpose is to establish general concepts, assumptions and responsibilities, as well as a general plan of execution to manage the flow of both volunteers and inductees in the Marine Corps upon mobilization (i.e., activation of the draft), in coordination with the activities of the Selective Service System. Both Naval Services would continue to process both volunteers and inductees for military service.

References:

Joint Service Regulation, Military Entrance Processing Station (MEPS)

MCRCO 1100.1 – <http://www.hqmc.marines.mil/Portals/61/Docs/FOIA/MCRCO1100.1EPM.pdf>

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

The DON would be able to execute its mission regardless of a draft. The draft is a means to acquire manpower. The Military Selective Service Process would support DoD manpower requirements through the conduct of a fair and equitable draft. Depending on the nature of the crisis and the resulting requirement for Naval Forces, DON may or may not need conscripts. Drafting conscripts, as opposed to accessing volunteers, could require additional training in order to instill the knowledge and skills, and Navy and Marine Corps ethos that are more easily nurtured in willing volunteers. Depending on the size of the draft, various human resources processes and procedures would adjust within the Navy and Marine Corps to manage the flow of both volunteers and inductees, and there could be an impact on resources in affected organizations. Also see the answer to question #3 in this section.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

At this time, the DON has no recommendations to modify our role in the current Military Selective Service Process. As discussed in the Office of the Secretary of Defense (Personnel and Readiness)

March 2017 *Report on the Purpose and Utility of a Registration System for Military Selective Service*, “maintaining the clear distinction between the DoD and the administration of the Nation's selective service system ensures the preeminence of civilian control and has historically been viewed as important to the public's perception of the draft process as fair and equitable.” Similar to DoD, the DON takes no position on whether the current national registration system and mobilization process could or should be modified.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

The current Military Selective Service Process poses no problems for the DON. As discussed in the Office of the Secretary of Defense (Personnel and Readiness) March 2017 *Report on the Purpose and Utility of a Registration System for Military Selective Service*, “the Military Selective Service System guarantees the certain and timely fulfillment of military manpower requirements in a national emergency.”

While not seen as problems, the draft raises questions about training, assignments, force management, and compensation for conscripted personnel. As such, DON recommends several areas for exploration. First, the current registration requirement and systems for mobilization are designed to provide a fair and equitable process by which individuals are generally conscripted as "untrained manpower," without regard to individual skills or abilities. One option might be at initial registration, individuals could be required to report personal data reflecting professions, skill certifications, conferred degrees, and licenses for inclusion in their selective service profiles. This possible adjustment could assist with the future classification of inductees, aptitude testing, and assignment to the most appropriate occupations in the Navy and Marine Corps.

Second, as mentioned in the answer to question #4 in this section, depending on the nature of the crisis and the resulting requirement for Naval Forces, DON may or may not need conscripts. If the Navy and/or Marine Corps require conscripts, it will be important to understand the impact of conscripts on overall end strength. Accepting conscripts in the ranks assumes end strength and associated funding will increase. Otherwise if end strength remains constant, the Services will be forced to substitute voluntary recruits seeking to be Marines or Sailors for conscripts who do not necessarily seek to be Marines or Sailors. Substituting volunteers with conscripts is a sub-optimal arrangement from the DON's perspective in a constant end strength environment. Additionally, as suggested in the Office of the Secretary of Defense (Personnel and Readiness) March 2017 *Report on the Purpose and Utility of a Registration System for Military Selective Service*, “it would appear imprudent to exclude approximately 50 percent of the population – the female half – from availability for the draft in the case of a national emergency.” Finally, the DoD will need to establish appropriate compensation for conscripts. Presumably conscript wages will be lower than those for volunteers.



**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

The DON uses a variety of community outreach programs and activities to foster positive relationships between the Navy and Marine Corps and local communities; and to increase public awareness of the Naval Services' contributions to national defense through interaction with Sailors, Marines, and their families. Some of the programs and activities include: Fleet Week; Marine Week; Toys for Tots (USMC Reserve); color guards and aircraft flyovers at professional sporting events, parades, or other community events; mentorship programs at the command levels targeted toward elementary, middle and high school students to promote science, technology, engineering, mathematics (STEM) careers; command-based programs which support science and technology fairs, hands-on workshops at laboratories, and STEM coaching; tours aboard Navy Ships and Navy and Marine Corps bases and installations; static displays and equipment support during fairs and other events; Navy and Marine Corps band support; guest speakers; and "key influencer" workshops for community leaders, teachers, school administrators and coaches.

Both the Navy and Marine Corps conduct national advertising campaigns to attract high quality men and women for naval service and to appeal to key influencers. These campaigns raise Navy and Marine Corps brand awareness across multiple platforms including but not limited to television, online, social media, and community engagement.

The DON leverages targeted civilian recruitment to recruit, retain and develop talent in mission critical areas. In recruiting the best and brightest talent to civilian careers, DON drives home the message of purpose and fulfillment that comes from being a part of the civilian team, supporting the warfighter mission. The Department is 208,000 civilians strong and offers a multitude of careers (more than 530 occupations), employment locations locally and around the globe, and unique opportunities for innovation in emerging defense challenges and technologies. The Department leverages intern programs to recruit talent for mission critical occupations from among the nation's post-secondary institutions, growing the talent pool while they are still in school. Additionally, DON offers apprenticeships for those who are seeking specialized careers as blue collar artisans.

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

The DON recommends several areas for exploration. While it is important to sustain the Naval Services' advertising campaigns (and those of the other uniformed services as well) focused on their individual "brands," it is worth looking at enhancing DoD's advertising/outreach efforts to promote a broader message and/or brand of military and national service.

Additionally, a return to predictable enactment of defense authorization and appropriations bills would go a long way to bolstering the appeal of national service and countering the ill effects of past government shutdowns and furloughs. Furloughs, hiring freezes, and pay freezes have impacted employee morale and recruitment. As such, DON leadership (civilian and military) are demonstrating an overt commitment to the civilian workforce and their criticality in meeting mission requirements. Leadership explicitly identifies civilian employees as partners with their military counterparts vice separate entities.

In recent years, the Department's ability to recruit and compensate critical civilian talent has been hampered by ongoing resource reductions and fiscal uncertainty which has put DON at risk of competency gaps and civilian skill shortages. The Department looks for opportunities to secure additional resources and to protect existing resources to attract, retain and develop civilians, in order to remain competitive with the private sector market, a keen competitor for our civilian talent. We appreciate the relief from special direct hire authorities for targeted critical areas. Setting aside these new, limited flexibilities, the vast majority of the civilian workforce is managed under a personnel system enacted more than 60 years ago when 70 percent of the white-collar workforce occupations were clerical and administrative vice today's professional, scientific, technical, and engineering occupations. The Department welcomes legislative and administrative relief that would improve our antiquated system, enabling the DON to better value and manage our workforce.

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

The DON has some concerns that a draft could significantly erode the current paradigm of selfless service upon which our ethos is built. Under a draft, the honor of military service might diminish and shift to an obligation one is compelled to do under the threat of punishment. Replacing willing volunteers with unwilling conscripts could be counter to fostering an ethos of military and national service.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

The DON relies on DoD's Joint Advertising Market Research & Studies (JAMRS) Program to conduct surveys with youth in the general public who are the military's target market. Both the Navy and Marine Corps leverage the market research capabilities of their contracted advertising agencies to continuously monitor market trends, youth attitudes toward marketing, influencer advocacy, and youth propensity to serve. Both qualitative and quantitative studies and surveys are meant to gain insights, develop communication strategies, and measure performance. For example, Navy Recruiting conducts surveys with prospects, applicants, and future Sailors. These surveys capture data from individuals at various stages of the enlistment process in order to understand what affected the person's decision to join and to collect feedback on the overall enlistment process.

The DON annually assesses civilian workforce opinions and viewpoints of the workplace across the enterprise. Civilian employees are surveyed using the Federal Employee Viewpoint Survey. Annual feedback is used to provide insight into any changes necessary to improve the organization and to gauge employee engagement and satisfaction.

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, the <Commission, DOD, someone else?> requests the following agencies respond to this survey <list the agencies > with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information **Office of Personnel Management (OPM)/Employee Services/Talent Acquisition and Workforce Shaping/Kimberly A. Holden Deputy Associate Director – [Kimberly.holden@opm.gov](mailto:Kimberly.holden@opm.gov), 202-418-3218**
2. Does your Agency, Department, or Organization have a requirement in in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy. ***Under 5 U.S.C. 3328 - Selective Service Registration is a qualification factor for certain males for purposes of Federal employment. OPM administers these provisions via government-wide regulations at 5 CFR part 300 subpart G, which hiring agencies are subject to follow. Agencies may request a waiver from OPM on behalf of an individual’s failure to register in accordance with the regulations.***
3. Does your Agency, Department, or Organization routinely check an applicant’s Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation. ***When applicants apply for jobs at OPM, they are required to certify that they have registered for Selective Service or are not required to do so.***

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation. ***From an internal OPM perspective, when hiring OPM employees, their prior Federal service and other public service may be considered, to the extent applicable for the position to which they have applied. Hiring managers often conduct reference checks which provide information about prior public service. Additionally, applicants provide information about prior Federal service via the SF-306. In OPM's policy role, when considering Selective Service Registration Waiver requests from agencies, OPM may consider an individual's public service history (e.g., military service or prior Federal service).***

#### **RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft? ***Not Applicable to OPM.***
2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement? ***Selective Service Registration is a statutory requirement for certain males in order to be eligible for Federal employment. In accordance with section 3 of the Military Selective Service Act, 50 U.S.C. App. 453, (the Act), all males born after December 31, 1959 are required to register with the SSS. Per title 5 U.S.C. 3328 and the Code of Federal Regulation 5 CFR 300 subpart G, individuals who fail to register with the SSS are not eligible for Federal employment.***
3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play? ***Not Applicable to OPM.***
4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects? ***We do not anticipate that the execution of a draft would impact our ability to foster a greater of public service.***
5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way? ***Not Applicable to OPM.***
6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe. ***In processing Selective Service Registration waiver requests from Federal agencies, we find that in many cases that males required to register were not aware or had no idea of their statutory obligation.***

#### **ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service? ***OPM supports Government-wide public service initiatives, including Public Service Recognition Week that includes recognizing and valuing military service.***



2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service? ***OPM maintains a nationwide outreach program promoting Federal service by educating job seekers, career counselors, employment specialists, professional and affinity groups on the Federal hiring process. The OPM outreach program aligns its strategic goals with Government-wide initiatives such as employment of veterans, underrepresented groups, STEM, and cybersecurity talent. To expand efforts OPM would need to make significant changes to its current program in the areas of budget, staff and resources. Increases in staff and budget would help address the issues around maximizing a nationwide initiative while new technology (e.g., Enterprise Customer Relationship Management technology) would ensure consistency in outreach messaging and the maintenance of key organizational relationships. Expansion of the current program would entail defining target messaging and actions to influence career and educational choices of diverse populations on a national level around public service.***
  
3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service? ***We do not anticipate that the execution of a draft would impact our ability to foster a greater of public service.***
  
4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service? ***The Federal Employee Viewpoint Service provides insights into the views about public service of employees in both OPM and Government-wide. Of particular note are the items, "When needed, I am willing to put in the extra effort to get a job done," "The work I do is important," and "I know how my work relates the agency's goals and priorities."***

***In addition, OPM is responsible for the Employment of Veterans in the Federal Executive Branch report that is produced annually to provide useful data on the employment of veterans within the Federal Executive Branch. This report covers those organizations identified in Executive Order 13518, which account for approximately 97.8 percent of all Federal employees and 99.1 percent of all veterans employed in the Federal Executive Branch. The appendices provide additional information on the affected agencies and abbreviations used within the report. The source of Federal employment data is OPM's Enterprise Human Resources Integration – Statistical Data Mart. This report is available on OPM's Fedshirevets web page at: <https://www.fedshirevets.gov/hire/hrp/reports/EmploymentOfVets-FY16.pdf>***

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, the <Commission, DOD, someone else?> requests the following agencies respond to this survey <list the agencies > with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

**The following Peace Corps responses apply to applicants for the Peace Corps volunteer service program.**

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information **Peace Corps, Maryann Minutillo, [mminutillo@peacecorps.gov](mailto:mminutillo@peacecorps.gov), 202 359 6863**
2. Does your Agency, Department, or Organization have a requirement in in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy. **No**
3. Does your Agency, Department, or Organization routinely check an applicant’s Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation. **No, but the Peace Corps Act (22 USC 2504(a)) does stipulate that applicants must be US citizens and Peace Corps regulations stipulate that applicants must be at least 18 years of age at the beginning of service (22 CFR 305.3(a)).**
4. Does your Agency, Department, or Organization routinely check an applicant’s public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation. **No**

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft? **No**
2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement? **No**
3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play? **No**
4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects? **The pool of applicants to be Peace Corps Volunteers could be affected.**
5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way? **No**
6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe. **No**

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?  
**The Peace Corps fosters public service aligned with our [agency mission](#), notably, the 2<sup>nd</sup> and 3<sup>rd</sup> goals: promoting a better understanding of Americans on the part of the peoples served, and promoting a better understanding of other peoples on the part of Americans. This is accomplished through: a national advertising campaign strategy (press, social media, website, etc.); recruitment efforts in communities and on college campuses; outreach connecting educators and schools to Peace Corps Volunteers; and, returned Volunteers sharing their stories and contributing enhanced global skills to the workforce.**
2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service? **None. The Agency would continue to focus on public service in its outreach efforts.**
3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service? **A draft may affect the Peace Corps' pool of applicants. There is a strong age correlation between our core audience and the draft population.**

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service? **Peace Corps tracks application numbers as an indicator of interest in public service.**

## QUESTIONNAIRE

### INSTRUCTIONS

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- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, the <Commission, DOD, someone else?> requests the following agencies respond to this survey <list the agencies > with the following definitions in mind.

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- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information
  - Social Security Administration
  - Erik Hansen, Associate Commissioner for Legislative Development and Operations, [erik.hansen@ssa.gov](mailto:erik.hansen@ssa.gov), 410-965-3112
2. Does your Agency, Department, or Organization have a requirement in in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.
  - No, SSA does not have a requirement in statute or Executive Order to use Selective Service registration information as part of making a determination regarding a benefit or for another reason tied to our agency mission.
3. Does your Agency, Department, or Organization routinely check an applicant’s Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation.
  - No, SSA does not routinely check an applicant’s Selective Service registration information as part of our agency mission.



4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.
  - No, SSA does not routinely check an applicant's public service history as part of our agency mission.

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?
  - We do not have a role during a period of a national draft.
2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?
  - No, SSA does not administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement.
3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?
  - SSA would continue to exchange data with the Selective Service System.
4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?
  - SSA should not be affected much differently than the rest of the Federal Government.
5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?
  - Not that we are aware.
6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.
  - No.

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?
  - We engage the public's interest in our agency's mission, services, and programs through various public relation forums and maintain a year-round recruitment campaign to encourage interest in federal civil service positions and attract talent for our mission critical positions across the country.
2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?
  - We have no changes to recommend.

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?
  - We do not know, but we would continue to stress the importance of federal service in our recruitment efforts.
4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?
  - We do not assess this directly. We track the number of applications we receive annually for vacancy announcements posted on USAJOBS to assess interest in our positions and to identify hard to fill occupations.

Department of Veterans Affairs

QUESTIONNAIRE

INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

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- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

**GENERAL AGENCY INFORMATION:**

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information

Department of Veterans Affairs

POC: John Medve, Executive Director, Policy and Interagency Collaboration, [John.Medve@va.gov](mailto:John.Medve@va.gov), (202) 461-5626

2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.

The Department of Veterans Affairs does not have a requirement to use Selective Service registration information as part of making a determination regarding a benefit. However, eligibility for most Veteran benefits is predicated on their having served in the armed forces of the United States.

## Department of Veterans Affairs

3. Does your Agency, Department, or Organization routinely check an applicant's Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

The Department of Veterans Affairs as part of the Federal government hiring process requires that applicants certify that they have registered with the Selective Service System or are exempt from having to do so under the Selective Service Law. Upon hiring new employees must provide their selective service registration information during the on-boarding process. VA Handbook 5005/56—Staffing, Appendix II-R dated June 7, 2012 provides the procedures to address those applicants that have not registered with the Selective Service System.

Link to the VA Handbook 5005/56: [https://www.va.gov/vapubs/search\\_action.cfm?dType=2](https://www.va.gov/vapubs/search_action.cfm?dType=2)

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.

The Department of Veterans Affairs as part of the federal government hiring process would check an applicant's public service history if it related to the eligibility and qualification requirements for a specific position.

### **RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?

Neither the Department of Veterans Affairs nor its predecessor the Veterans Administration played a role in implementing the draft.

2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?

The Department of Veterans Affairs administers a broad range of benefits and services codified in Title 38 of the United States Code. Eligibility for most VA benefits and services is based upon discharge from active military service under other than dishonorable conditions. Active service means full-time service, other than active duty for training, as a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or as a commissioned officer of the Public Health Service, Environmental Science Services Administration or National Oceanic and Atmospheric Administration, or its predecessor, the Coast and Geodetic Survey.

Certain VA benefits require wartime service. Dishonorable and bad conduct discharges issued by a general courts-martial may bar VA benefits. Veterans in prison must contact VA to determine eligibility. VA benefits will not be provided to any Veteran or dependent wanted for an outstanding felon warrant.

Veterans seeking a VA benefit for the first time must submit a copy of their DD-214, DD-215 or for World War II Veterans, a War Department Adjutant General's Office Form (WD AGO) form.

## Department of Veterans Affairs

The link to the Federal Benefits for Veterans, Dependents and Survivors is at:

[https://www.va.gov/opa/publications/benefits\\_book.asp](https://www.va.gov/opa/publications/benefits_book.asp)

3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?

The Department of Veterans Affairs currently does not have any statutory or policy role in the implementation of a draft.

4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?

If the draft requirements were consistent with the regulatory requirements of the Selective Service Registration requirements, there would be a small percentage of VA's workforce impacted. Specifically, 33 percent of VA's workforce are Veterans, who have served in the military and are over the age of 26. In addition, a large percentage of the remaining VA workforce is over the age of 26 or are women. However, the implementation of a draft could potentially negatively impact the staffing levels of the Department of Veterans Affairs in critical areas, especially healthcare delivery and benefits determination as those employees who are eligible for call up are drafted. This would also impact the execution of VA's "Fourth Mission" to improve the Nation's preparedness for response to war, terrorism, national emergencies, and natural disasters by developing plans and taking actions to ensure continued service to veterans, as well as to support national, state, and local emergency management, public health, safety and homeland security efforts. Approximately 67% of the Department of Veterans Affairs employees are non-veterans and some would be affected by implementation of a draft.

5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?

The Department of Veterans Affairs currently does not have any statutory or policy role in the implementation of a draft.

6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.

The current Military Selective Service Process does not pose any problems to the Department of Veterans Affairs in the conduct of its mission.

### **ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?

The Department of Veterans Affairs fosters an ethos of national service as a function of its mission and core values. Abraham Lincoln created the Department of Veterans Affairs with the most noble of missions: To care for him who shall borne the battle and for his widow and his orphan. Every day, more soldiers leave the battlefield headed for home – men and women who sacrificed their bodies and, in some cases, their minds defending the dignity, honor and safety of those at home.



## Department of Veterans Affairs

VA has incorporated core values that define who we are and our culture. They serve as a guide for employees in providing care and services to Veterans, their families, and beneficiaries. VA's core values are Integrity, Commitment, Advocacy, Respect, and Excellence (I-CARE). The values of Integrity and Respect are the bedrock behaviors of a VA workforce dedicated to treating those Americans who so willingly volunteered their lives in defense of this great Nation. VA pledges to Advocate and provide care for all Veterans who come to us, with particular emphasis on those who will need us the most but have the least ability to reach out to us for help. VA will ensure that our most vulnerable Veterans are cared for. Commitment is a thread that runs through all the goals and will remain unchanged through the volatile and complex future VA business environment. Achieving Excellence is the only performance target acceptable in a VA that is hyper focused on improving the lives and outcomes of our Nation's Veterans. Pursuit of excellence drives innovation, agility, and better outcomes.

The Department of Veterans Affairs via its VA Career campaign extolls the virtue of public service to our nation's Veterans. <https://www.vacareers.va.gov/about-va/commercials.asp>

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?

The Department of Veterans Affairs should serve as an alternative for national service for those who want to participate in public service.

3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?

The execution of a draft would provide an additional opportunity to advance the notion of national and public service as a way to continue to honor those who have served in the military by providing excellent care and services.

4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?

The Department of Veterans Affairs asks all employees on an annual basis to re-commit themselves to the core values of Integrity, Commitment, Advocacy, Respect and Excellence.

The annually administered all-employee survey assesses the employee's view of workplace characteristics, supervisor tasks, supervisor relationships, workgroup tasks, and workgroup relationships as a measure of how the Department and its sub-organizations and measure attitudes and outcomes.

Lastly, dialogue between supervisors and employees as part of the annual performance evaluation process provides insights and opportunities to assess the ethos.

## QUESTIONNAIRE

### INSTRUCTIONS

The FY17 National Defense Authorization Act (NDAA), section 555(d), provides that “not later than [December 5, 2017], the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts as the President shall designate . . . shall jointly transmit to the Commission on Military, National, and Public Service and Congress:

- Recommendations for the reform of the military selective service process; and
- Recommendations for the reform of military, national, and public service in connection with that process.”

To that end, DoD requests that the participating agencies respond to this survey with the following definitions in mind.

- “Military Service” means active service in one of the uniformed services.
- “National Service” means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.
- “Public Service” means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission.

*Please note ALL responses should be coordinated with your Department’s front office for clearance purposes.*

### GENERAL AGENCY INFORMATION:

1. Name of Agency, Department, or Organization, including point of contact (POC) and email/telephone information  
DOC/NOAA/OMAO  
LCDR Stephen Barry  
[stephen.barry@noaa.gov](mailto:stephen.barry@noaa.gov)  
301-713-7890
2. Does your Agency, Department, or Organization have a requirement in statute or Executive Order to use Selective Service registration information as part making a determination regarding a benefit or for another reason tied to your agency mission? If yes, please describe and provide a citation or copy.  
No.
3. Does your Agency, Department, or Organization routinely check an applicant’s Selective Service registration information as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency’s policy or regulation.  
Yes, Proclamation 4771 (Registration Under the Military Selective Service Act) requires male citizens born after January 1, 1960 to register for the Selective Service to be eligible for Federal employment in the executive service (applies only to National Service positions).

4. Does your Agency, Department, or Organization routinely check an applicant's public service history (as defined above) as part of your agency mission – Federal Job training, citizenship, etc. If yes, please describe and provide the citation or a copy of your agency's policy or regulation.  
**No, we do not check an applicant's public service history.**

**RECOMMENDATIONS FOR POSSIBLE REFORM OF THE MILITARY SELECTIVE SERVICE PROCESS:**

1. If your Agency, Department, or Organization existed during a period in which the Nation implemented a draft, what role, if any, did your Agency, Department, or Organization play in implementing the draft?  
**NOAA played no role in implementing past drafts.**
2. Does your Agency, Department, or Organization administer any benefits or programs for which participation/registration in the Military Selective Service Process is a prerequisite to eligibility or entitlement?  
**No.**
3. Would your Agency, Department, or Organization play a role in the implementation of a draft were one to be ordered today? If so, what role would it play?  
**NOAA would play no role in the implementation of a draft today or the foreseeable future.**
4. Would your Agency, Department, Organization, or your ability to execute your mission, be affected in any way in the event of a crisis that might warrant a draft? If so, what would be the effects?  
**In times of war or national emergency, NOAA resources and NOAA Corps officers can be transferred to the Armed Services. This transfer of resources and officers has the potential to impact NOAA's ability to execute its mission. (Level of impact depends upon amount of resources and number of officers transferred.)**
5. If your Agency, Department, or Organization plays a role in the current Military Selective Service Process OR would play a role in a draft, should your Agency's role be modified in any way?  
**N/A.**
6. Does the current Military Selective Service Process pose any problems for your Agency, Department, or Organization? If yes, please describe.  
**None that are known.**

**ENHANCING A GREATER ETHOS OF MILITARY, NATIONAL, OR PUBLIC SERVICE:**

1. How does your Agency, Department, or Organization currently foster an ethos of military, national, and/or public service?  
**NOAA's mission is "Science, Service and Stewardship." Service is the communication of NOAA's research, data, information, and knowledge for use by the Nation's businesses, communities, and people in their daily lives. Stewardship is NOAA's direct use of its knowledge to protect people and the environment, including providing lifesaving forecasts/warnings, responding to environmental emergencies, and aiding in disaster recovery. The NOAA Commissioned Officer Corps is an integral part of NOAA. The NOAA Corps values of Honor, Respect, and Commitment set the standard of conduct for all NOAA Corps Officers. NOAA Corps Officers bring these values to all professional interactions with NOAA civilian employees and the public.**

2. What changes would your Agency, Department, or Organization make to current processes to engender a greater likelihood that those who influence youth (e.g., their parents, teachers, clergy, coaches) would recommend military, national, and/or public service?  
Recommend expansion of current outreach initiatives at high schools and higher learning institutions to promote the value of careers in Military and National Service. In addition, recommend promoting this service on social media to connect directly with today's youth.
3. How might the execution of a draft change your Agency's, Department's, or Organization's ability to foster a greater ethos of military, national, and/or public service?  
If the state of the world and the involvement of the United States in war or conflict required the execution of a draft, the ethos of the community within NOAA would most likely be enhanced. The transfer of NOAA resources and NOAA Corps officers would foster a close and personal connection with the U.S. military engagement in the ongoing war or conflict.
4. What metrics does your Agency, Department, or Organization use to assess the current ethos of military, national, and/or public service?  
A percentage of NOAA employees are selected annually to complete the Federal Employee Viewpoint Survey. This survey provides employees with the opportunity to share opinions and comments on their thoughts about working in National Service.

# **Exhibit 7**





FOR IMMEDIATE RELEASE  
April 13, 2018

CONTACT: [media.ncos@gmail.com](mailto:media.ncos@gmail.com)  
PHONE: 703-571-3742

## **National Commission on Military, National, and Public Service Announces Locations of Public Meetings for 2018**

*Commission travelling to 8 locations to gather ideas on inspiring and encouraging service*

Washington, D.C. (April 13, 2018) – Today the [National Commission on Military, National, and Public Service](#) announced additional locations it will be visiting in 2018 to gather input, ideas, and recommendations from the American public on ways to encourage and inspire more Americans—particularly young people—to serve their country and strengthen American democracy.

The bipartisan, 11-member Commission was created by Congress to develop recommendations to foster a greater ethos of service among our nation's citizens and review the military selective service process. The Commission hopes to ignite a national conversation about the importance of service as it develops recommendations for Congress, the President, and the American people by March 2020.

The Commission wants to hear from the public about motivations, incentives, barriers, and benefits of service. It will use a variety of methods to gather and assess information and recommendations, including holding public meetings, visiting service sites, talking with young people, and meeting with government, nonprofit, civic and for profit leaders.

The Commission will travel to following cities and states between April and September 2018:

- April 19 – 20, 2018: Denver, CO
- May 9 – 11, 2018: Boston, MA
- May 17 – 18, 2018: Jacksonville, FL
- June 26 – 27, 2018: Iowa City, IA
- June 28 – 29, 2018: Chicago, IL
- July 19 – 20, 2018: Waco, TX
- August 16 – 17, 2018: Memphis, TN
- September 19 – 21, 2018: Los Angeles, CA

The locations visited in 2018 represent the nation's nine U.S. Census regions, and will allow the Commission to engage with a diverse set of Americans across the country. Some visits will include meetings in rural areas and locations beyond the city listed in order to get a range of views.

The bipartisan Commission is chaired by Dr. Joseph Heck, Brigadier General in the U.S. Army Reserve and former Member of Congress from Nevada. Ms. Debra Wada, former Assistant Secretary of the Army for Manpower and Reserve Affairs, and Mr. Mark Gearan, former Director of the Peace Corps, serve as Vice Chairs. A full list of Commissioners and their biographies can be found [here](#).

“Our nation is at its best when we are striving toward shared goals with a common vision,” said Chairman Heck. “The Commission seeks to ignite a national movement that will lead, ultimately, to every American being inspired and eager to serve. We look forward to hearing from men and women across the country through public meetings and comments submitted to our website.”

After [launching in January](#) 2018, the Commission held its first public meeting in Harrisburg, PA in late February. The next stop for the Commission is Denver, CO, where it will host a public meeting on Thursday, April 19, from 3:00– 5:00 p.m. MST at the Denver Museum of Nature and Science. The public is invited join and provide input.

The Commission encourages members of the public to share their ideas through its website [www.inspire2serve.gov](http://www.inspire2serve.gov) and a recently published [Federal Register notice](#). The Commission wants to learn why people serve and why people don’t; the barriers to participation; whether modifications to the selective service system are needed; ways to increase the number of Americans in service; and more. The public is can join the conversation on Facebook ([www.facebook.com/Inspire2ServeUS](https://www.facebook.com/Inspire2ServeUS)) and Twitter using [@Inspire2ServeUS](#) and the hashtag #Inspire2Serve.

###

*The National Commission on Military, National, and Public Service is a Congressionally-established bipartisan Commission created as an independent source to review the military selective service process and consider methods to increase participation in military, national, and public service.*

# **Exhibit 8**

# FROM REPRESENTATION TO INCLUSION:

Diversity Leadership for  
the 21st-Century Military

FINAL REPORT





# **FROM REPRESENTATION TO INCLUSION:**

Diversity Leadership for  
the 21st-Century Military

FINAL REPORT





## MILITARY LEADERSHIP DIVERSITY COMMISSION

1851 South Bell Street  
Arlington, VA 22202



March 15, 2011

The Honorable Barack Obama, President of the United States  
The 112th United States Congress

Mr. President and Members of Congress:

The National Defense Authorization Act for Fiscal Year 2009 established the Military Leadership Diversity Commission. The Commission was asked to conduct a comprehensive evaluation and assessment of policies and practices that shape diversity among military leaders. Sixteen interrelated tasks, given by Congress, informed the Commission's enclosed final report, *From Representation to Inclusion: Diversity Leadership for the 21st-Century Military*. As chairman of this Commission, I am proud to present this report for your consideration.

The Commission held itself to high standards of openness and transparency in all deliberations. Moreover, we modeled inclusiveness by inviting those with diverse backgrounds, expertise, and experience to have a say in our independent analysis. The Commission sought extensive input for our deliberations from the Department of Defense and the Services as well as the private sector. We hosted 13 public hearings, meeting in locations across the country where many active-duty servicemembers and veterans reside. We heard public testimony from top military leaders, subject matter experts, and diversity officers from leading corporations known for their diversity practices. In addition, we conducted interviews with servicemembers.

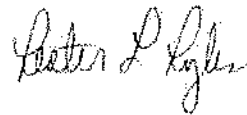
The Commission believes that the diversity of our servicemembers is the unique strength of our military. Current and future challenges can be better met by broadening our understanding of diversity and by effectively leading our uniformed men and women in ways that fully leverage their differences. While we find the promotion policies and practices of the Department of Defense and the Services to be fair, we find also that there are some barriers to improving demographic representation among military leaders.

Among the 20 recommendations given in this report is a new definition of diversity for the 21st century. We offer ways to remove barriers that are affecting the demographic

makeup of military leadership, and we suggest approaches to leadership, education, and assessment that can enable the Department of Defense and the Services to fully benefit from the increased diversity of military leadership. We are confident that these recommendations will positively shape our military leadership in ways that meet the unique challenges of this century. However, the Commission recognizes that presidential and congressional guidance and support are necessary if success is to be realized.

It has been both an honor and privilege for this Commission to support the U.S. military's continuing journey of becoming a preeminently inclusive institution.

Sincerely,

A handwritten signature in black ink, appearing to read "Lester L. Lyles". The signature is written in a cursive, flowing style.

Lester L. Lyles, Chairman  
Military Leadership Diversity Commission

## COMMISSIONER SIGNATURES

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### Current Commissioners

Betty L. Byler

W. B. B. B.

William G. Chagnon

W. B. B. B.

William G. Chagnon

W. B. B. B.

William G. Chagnon

W. B. B. B.

William G. Chagnon

William G. Chagnon

Robert S. Halstead

Carol D. Honey

Carol D. Honey

Mary H. H. H.

John W. H. H.

W. B. B. B.

William G. Chagnon

William G. Chagnon

William G. Chagnon

William G. Chagnon

Robert H. Nelson

Richard J. Noriega

Richard J. Noriega

Richard J. Noriega

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Richard J. Noriega

Richard J. Noriega

Richard J. Noriega

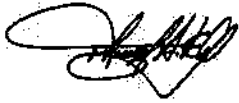
Richard J. Noriega

Richard J. Noriega

FROM REPRESENTATION TO INCLUSION: DIVERSITY LEADERSHIP FOR THE 21ST-CENTURY MILITARY

**Former Commissioners**

Kathlene Contres

A stylized, cursive signature in black ink, likely belonging to a former commissioner.

Isela Pinckney

Swill

## PREFACE

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The U.S. Armed Forces became a deliberately inclusive organization in 1948, when President Harry S. Truman issued his historic Executive Order 9981 that called for “equality of treatment and opportunity for all persons in the armed services” (The White House, 1948). Since then, the U.S. military force has endeavored to become an inclusive organization dedicated to the equality of all its members, regardless of their background. Its dedication to equal opportunity has resulted in increased representation of racial/ethnic minorities and women among the top military leaders in recent decades. Despite undeniable successes, however, the Armed Forces have not yet succeeded in developing a continuing stream of leaders who are as diverse as the Nation they serve. Racial/ethnic minorities and women still lag behind non-Hispanic white men in terms of representative percentage of military leadership positions held. Marked changes in the demographic makeup of the United States will throw existing disparities into sharp relief, creating a recruiting pool that looks very different from the pool of 30–40 years ago, from which today’s leaders were drawn.

Recognizing existing disparities and seeking to look ahead, Congress, in the National Defense Authorization Act for Fiscal Year 2009, Section 596, mandated the creation of the Military Leadership Diversity Commission (MLDC). The Commission was tasked to “conduct a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces, including minority members who are senior officers.” Its charter required that a final report be delivered directly to the President and Congress one year after its first meeting.

An independent deliberative body, the Commission was itself an inclusive organization. Military Commissioners were active-duty and retired officers and senior enlisted personnel from both the Active and Reserve Components of all the Armed Forces, including the Coast Guard, as well as civilians. They included those who served in major armed conflicts from World War II to Iraq and Afghanistan. Civilian Commissioners included senior executives of major corporations, civil servants, and a law school chancellor.

The Commission’s charter listed 16 specific tasks. To address these tasks, the Commission was divided into ten subcommittees, each supported by a research team. Each subcommittee produced issue papers on specific topics and a decision paper that reports the subcommittee’s findings, conclusions, and recommendations.<sup>1</sup>

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<sup>1</sup> The Legal Implications Subcommittee did not produce a decision paper because the Commission made no recommendations specific to the subcommittee’s findings. Rather, those findings served to inform all of the Commission’s recommendations.



FROM REPRESENTATION TO INCLUSION: DIVERSITY LEADERSHIP FOR THE 21ST-CENTURY MILITARY

This final report, founded on rigorous research and enhanced by serious and open deliberation, presents the Commission's main findings and recommends policies and practices to develop future military leaders who represent the face of America.

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## CHAPTER SEVEN

## BRANCHING AND ASSIGNMENTS

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The next stage of the personnel life cycle is the selection of the particular career field and related assignments each servicemember fulfills during his or her time in the military. Together, these career field and assignment selections can affect potential promotion opportunities to higher ranks. However, due to both structural and perceptual barriers, there are potential demographic differences in career field preferences and command assignment opportunities that influence the future demographic diversity of senior military leadership. This chapter describes those barriers and how they can be addressed through policy changes.

### Career Fields, Key Assignments, and Demographic Diversity

As a first step in examining the role played by career fields and assignments in senior military leadership diversity, the Commission explored both the extent to which specific career fields and assignments are related to advancing to senior leadership ranks and the extent to which racial/ethnic minorities and women may be underrepresented in those key career fields and assignments. The Commission used common DMDC-provided AC and RC datasets for these analyses. The data presented in this section are from December 2008 for the AC and June 2010 for the RC. Data on the Coast Guard were not included in the analyses because DMDC personnel data for the Coast Guard were not available.

#### Enlisted Career Fields

Based on recent data, it appears that functional support and administration occupations are most closely aligned with membership in the senior enlisted ranks in the AC. However, racial/ethnic minorities and women were not underrepresented in functional support and administrative occupations and were not overrepresented in occupations that are currently aligned with junior enlisted pay grades, such as services and supplies. Thus, for the enlisted corps, there is no evidence that career fields have played any significant role in the underrepresentation of racial/ethnic minorities and women in senior leadership ranks within the AC. Given these results, the Commission did not pursue this line of research for the RC.

#### Officer Career Fields

For both the AC and RC officer corps, data indicate that flag/general officers were, in the periods under consideration, disproportionately drawn from tactical/operational

## FROM REPRESENTATION TO INCLUSION: DIVERSITY LEADERSHIP FOR THE 21ST-CENTURY MILITARY

(i.e., combat) career fields. As Figure 7.1 shows, AC officers with tactical/operational backgrounds tended to increasingly populate the higher levels of military leadership.

Furthermore, compared with other occupations, tactical/operational occupations tended to have higher concentrations of white men. For example, Figure 7.2 shows the percentage of tactical/operational and nontactical/nonoperational AC officers in pay grade O-3 who were white men. (For reference, it also shows the percentage of white men among all flag/general officers.) Even at the O-3 level, 75 percent of all officers in tactical/operational occupations were white men, compared with 50 percent of the officers in nontactical/nonoperational occupations. A similar pattern was seen in the RC.

Of course, the demographics of recent flag/general officers depend on the demographics of their own cohorts and not on the demographics of officers recently at the O-3 level. Nonetheless, Figure 7.2 demonstrates that the tendency of tactical/operational occupations to contain higher fractions of white men persisted as recently as 2008.<sup>1</sup> Thus, as long as tactical/operational occupations continue to be associated with advancement to higher officer grades, and as long as these tactical/operational occupations continue to consist predominantly of white men, there is likely to be limited improvement in the demographic diversity of flag/general officers.

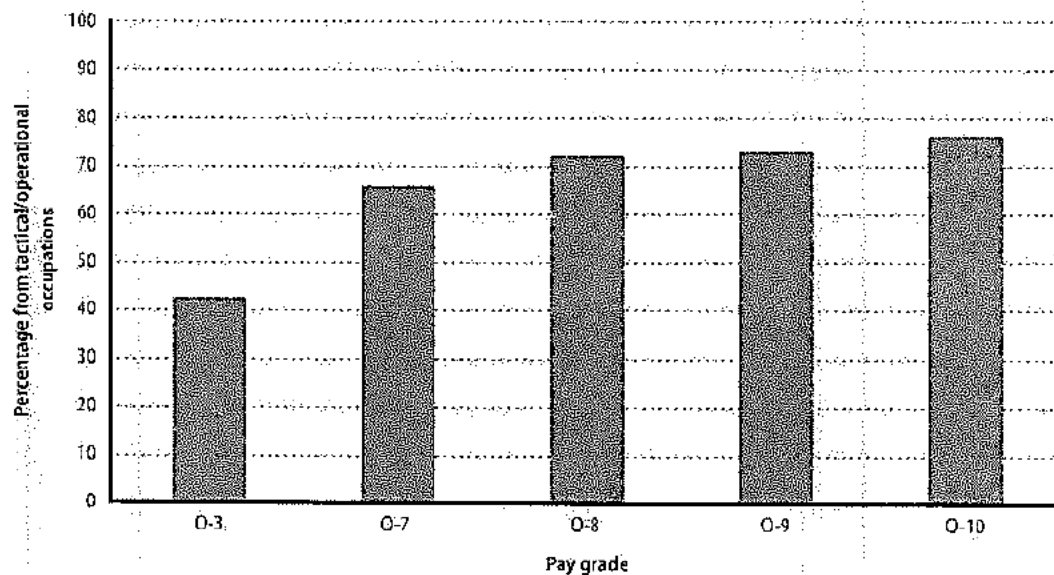
### Key Assignments

The demographic diversity of the officer corps is greatly affected by which career fields and specialties officers enter. However, the types of assignments that officers choose or are given once they enter their career fields can also affect the demographic diversity of the officer corps. In general, this is not a factor for the enlisted corps, so the Commission chose to focus specifically on key assignments for officers.

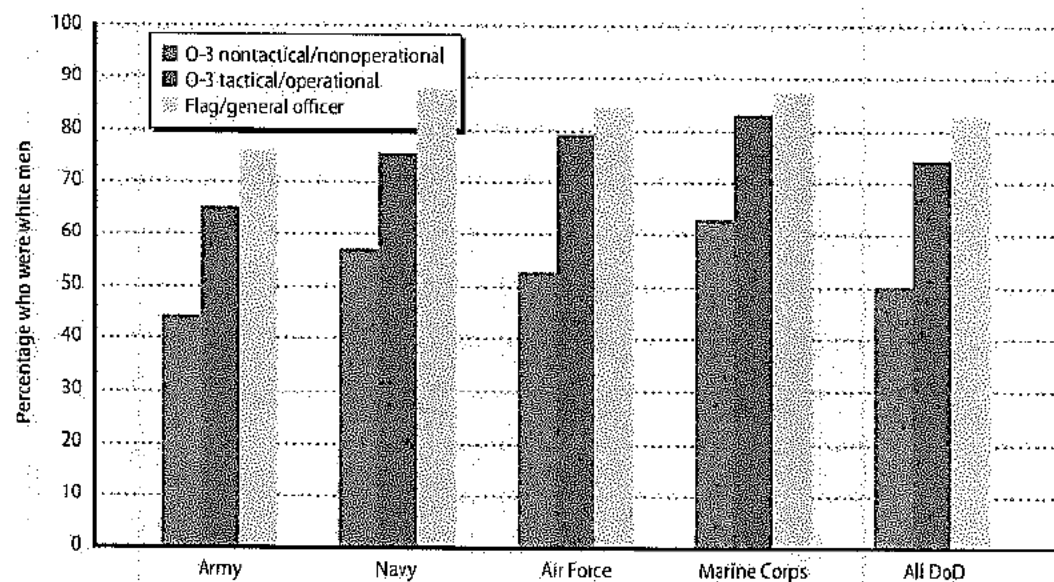
The Commission defined key assignments as those assignments that are recognized to be especially demanding, to have high visibility, and to provide competitive advantage for advancement. Although none of the Services has “a checklist of assignments required for promotion from one grade to the next,” each Service branch, community, and career field has “a notional career path comprising work and educational assignments that will make a due-course officer effective and credible” (Schirmer et al., 2006). Based on the experiences of the Commissioners and presentations from the Services, these assignments include holding leadership and staff assignments during one’s early career, holding command assignments, meeting certain educational milestones (e.g., getting advanced academic degrees, attending in-residence professional military education, particularly at war colleges), and holding executive officer or assistant positions to current flag/general officers. In addition, current law stipulates that AC officers are required to complete a full joint duty assignment and be designated a joint qualified officer prior to appointment to the rank of flag/general officer.

<sup>1</sup> According to information provided to the Commission by the Coast Guard, a majority (about 71 percent) of Coast Guard tactical/operational (i.e., mission-execution) positions are currently filled by white male officers. However, the same can be said of nontactical/nonoperational (i.e., mission-support) positions, which are largely (about 70 percent) held by white male officers.

## BRANCHING AND ASSIGNMENTS

**Figure 7.1. Percentage of AC Officers in Tactical/Operational Occupations, December 2008, by Pay Grade**

SOURCE: Defense Manpower Data Center, 2009.

**Figure 7.2. Percentage in Nontactical/Nonoperational and Tactical/Operational Occupations Who Were White Men, December 2008, by Service**

SOURCE: Defense Manpower Data Center, 2009.



## FROM REPRESENTATION TO INCLUSION: DIVERSITY LEADERSHIP FOR THE 21ST-CENTURY MILITARY

In general, the Services do not collect systematic data on demographic differences in the key assignments just described. However, for both the AC and RC, several of the Services do capture some data on command assignments. An examination of the AC O-5 and O-6 command selection/screening processes for the command selection boards in the Army, Marine Corps, and Navy<sup>2</sup> revealed that racial/ethnic and gender differences in O-5 and O-6 command selection rates were not the result of a clear bias for or against any particular group but that a vast majority of personnel (i.e., at least 80 percent) selected for O-5 or O-6 command during the period under review were white men. Similarly, RC data showed that, across all the Services, the majority of command billets in the RC were filled by white men.

These findings suggest that racial/ethnic minority and female representation in recent cohorts of command selectees was low because racial/ethnic minorities and women were not highly represented in the candidate pools for command assignments. The lower representation of racial/ethnic minorities and women in candidate pools for command assignments may be due to race/ethnicity and gender differences in accessions, branching, continuation, previous key assignments, and previous promotion rates prior to command.

### **Barriers to Entering Tactical/Operational Career Fields and Serving in Key Assignments**

For racial/ethnic minorities and women, barriers to entering tactical/operational career fields and serving in key assignments can affect their ability to reach the senior leadership ranks, particularly in the officer corps. This section describes two types of barriers that currently exist—structural barriers and perceptual barriers.

#### **Structural Barriers**

The Commission identified two structural barriers related to tactical/operational career fields and key assignments—one for women and one for racial/ethnic minorities. The barrier for female officers is created by the collection of DoD and Service assignment policies known as the *combat exclusion policies*. These policies work at two levels. First, they explicitly prohibit women from serving in certain tactical/operational career fields, such as infantry in the Army. Second, within the career fields that are open to women, the policies may prevent women from getting key assignments because they prohibit women from being assigned to units that are likely to be involved in direct offensive ground combat (Harrell & Miller, 1997; Segal & Segal, 2004). Specifically, the assignment policy determines to which unit a female servicemember trained in a particular occupation can be assigned to perform her job. Thus, the assignment policy does

<sup>2</sup> Three of the Services provided AC command selection outcomes by race/ethnicity and gender. Specifically, the Commission was able to compare outcomes of the O-5 and O-6 command selection/screening processes for the command selection boards, by FY, in FY 2006–FY 2010 for the Army, FY 2007–FY 2009 for the Marine Corps, and FY 2007–FY 2009 for the Navy aviation community and the Navy surface warfare officer community.

## BRANCHING AND ASSIGNMENTS

not curtail what women can do, but it does affect the units to which women can be assigned.

These combat policies are most restrictive in the Army and the Marine Corps. Calculations from 2003 data show that women can serve in only 91 percent of Army and 92 percent of Marine Corps occupations, compared with 99 percent of Air Force and 94 percent of Navy occupations (Segal & Segal, 2004). The percentage of Navy occupations has likely increased since these data were reported because, in early 2010, the Secretary of Defense lifted the ban barring female officers from serving on submarines (Peck, 2010). All occupations in the Coast Guard have been open to women since 1978 (U.S. Coast Guard, n.d.).

Although the percentages presented above regarding the occupations open to women do not appear inordinately low, exclusion from these occupations has a considerable influence on advancement to higher positions. For example, in 2006, 92.3 percent of all Army occupations were open to women. However, the remaining 7.7 percent of Army occupations were the combat arms occupations of infantry, armor, artillery, cavalry, and special forces, which are closed to women because of the current DoD policies that exclude women from direct ground combat. This relatively small percentage of combat arms occupations was held by 29.4 percent of all Army personnel and, in this case, was held exclusively by men (Harrell et al., 2007). Additionally, 2006 data show that, in the Army, *80 percent of general officers (ranks O-7 and above) came from combat arms occupations* (Lim et al., 2009).

We have one 4-star female, there is no doubt in my mind that she could have commanded a division, she is that professional. She's done everything that any of us have done. So, the culture said no, simple as that.

—Lieutenant General Julius W. Becton, Jr.,  
remarks to the Commission, 2010

The structural barrier related to tactical/operational career fields and key assignments for racial/ethnic minority officers is created by the interaction of two patterns related to accession source. First, nonwhite officers are less likely than white officers to commission via the Service academies. Second, the Army and the Air Force allocate a larger portion of tactical/operational slots to their Service academies compared with other officer commissioning sources. Therefore, in these Services, commissioning via a Service academy provides an advantage in terms of securing assignment to a tactical/operational career field.

Finally, the structural barriers that keep racial/ethnic minorities and women from entering tactical/operational career fields also function as barriers to obtaining command assignments. That is, the lower representation of racial/ethnic minorities and women in tactical/operational career fields means that those servicemembers have fewer opportunities for command.

### Perceptual Barriers

Although there are likely perceptual barriers for female servicemembers, the majority of prior research has focused on perceptual barriers for racial/ethnic minority male servicemembers. In particular, evidence suggests that more white men than racial/ethnic minority men prefer tactical/operational career fields in the Army (Lim et al.,

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2009) and the Air Force (Haygood & Morris, 2009) and that more white men than minority men enter special operations forces in the Army, Navy, and Air Force (Kirby et al., 2000). These findings persist even after controlling for such factors as rankings on merit-based lists for initial branching.<sup>3</sup>

There are several potential reasons for the difference in preferences. For example, research has found that racial/ethnic minorities tend to prefer military career fields that they believe will provide skills (e.g., engineering skills) that will readily transfer to the civilian sector (Kirby et al., 2000). Generally, these skills are more likely to be found in nontactical/nonoperational occupations. Additionally, research suggests that, compared with white communities, racial/ethnic minority communities typically know less about certain career fields and are less supportive of decisions to pursue those career fields. For example, Kirby et al. (2000) found that, compared with racial/ethnic minorities, more of the white participants they interviewed knew about special operations forces, such as Navy SEALs, when they were children. The study also found that some racial/ethnic minorities perceive that people in certain military occupational specialties hold racist attitudes. For example, some of the racial/ethnic minority servicemembers interviewed commented that Army Green Berets and Rangers were believed by many to be white organizations with racist attitudes. Finally, anecdotal accounts suggest that identification with certain career fields may be lacking due to the absence of successful racial/ethnic minority role models in those career fields.

There are also potential perceptual barriers that prevent racial/ethnic minorities and women from obtaining key assignments, such as command. In particular, racial/ethnic minorities and women may lack sufficient knowledge about key assignment opportunities, perhaps because racial/ethnic minorities and women do not receive the same career counseling or mentoring about key assignments as their white male counterparts. If this is the case, they would be more likely to miss career-enhancing assignment opportunities.

### **The Services Should Optimize the Ability of Servicemembers to Make Informed Career Choices from Accession to Retirement—with Special Emphasis on Mentoring**

#### *Recommendation 8—*

*The Services should ensure that their career development programs and resources enhance servicemembers' knowledge of career choices, including Reserve Component opportunities,*

<sup>3</sup> Most of the Services' officer commissioning sources have rankings of cadets/midshipmen in terms of "merit-based" factors. These rankings are used to make initial branching and assignment decisions. For example, Army ROTC cadets are put on an Order of Merit List based on a weighted composite of academic grade point average, leadership performance and skills, and physical fitness qualifications (Lim et al., 2009). Although the Services use different strategies when employing merit-based rankings, cadets/midshipmen who are higher on the list generally receive earlier consideration terms of career field preferences than do cadets/midshipmen who are lower on the list.

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*to optimize the ability of servicemembers to make informed career choices from accession to retirement.*

- *a. Mentoring and career counseling efforts shall start prior to the initial career field decision point and continue throughout the servicemember's career.*
- *b. Mentoring programs shall follow effective practices and employ an active line of communication between protégé and mentor.*

The Services provide a variety of career development resources, including formal mentoring programs, career counseling events held at individual installations, and websites that provide links to career development information (such as career guides, contact information for career counselors or mentors, and information about enlisted-to-officer programs). However, there are few available data on the effectiveness of these programs and resources.

Additionally, research shows that, compared with nonmentored individuals, mentored individuals tend to be more highly compensated, to receive more promotions, to be more satisfied with their career, to have greater expectations for advancement, to be more committed to their career, and to be more satisfied with their job (Allen et al., 2004). For example, the autobiography of Lieutenant General Frank E. Petersen describes the importance of mentoring to his success. Lieutenant General Petersen describes how, in 1950, as a young cadet, he was having a particularly difficult time with an instructor and was seriously contemplating dropping out of the Naval Aviation Cadet Program. However, he then encountered a phenomenon he considered “an absolute miracle”: He saw “a tall black Army Air Corps captain.”

When I was at the War College in 1975 to 1976, thanks to General Becton, I was supposed to go to the Army War College, but because he was sitting on the board for the National War College, he plucked me off and threw me into National War College, and I thank you for that again, Julius. I thank you many times.

—The Honorable Colin Powell,  
remarks to the Commission, 2010

[The captain] was Dan “Chappie” James, . . . holding forth at the Sugar Bowl on one of his trips home. I was feeling pretty down, and we talked for about two hours. I told him about the hard times, the racism, the possibility of never making it because of that. I laid it all out there, including the fact that the black guy just in front of me had been wiped out. I felt that “they” were simply waiting to wipe me out, too. . . . Chappie stayed so long that he had to cancel his civilian flight home. He could’ve run. He didn’t. He stayed there and listened. He didn’t say an awful lot at first, except that I could make it if I wanted it badly enough. . . . I looked at him and somehow felt new resolve. I mean, here was a living example that it could be done. I had a role model now. He patted me on the shoulder, then he said it again: “Just don’t give up.” That audience with Chappie helped get me through. (Petersen & Phelps, 1998)

Young Petersen became the first black Marine Corps aviator and retired from the Marine Corps as a lieutenant general.

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Based on this evidence about the potential benefits of mentoring, the Commission assumes that servicemembers who receive high-quality mentoring relationships from their Services will be able to make more-informed career decisions. This ability is particularly important for minority male servicemembers, who may not choose tactical/operational career fields partly because of a lack of knowledge about the potential benefits of entering such career fields.

**Mentoring and Career Counseling Efforts Shall Start Prior to the Initial Career Field Decision Point and Continue Throughout the Servicemember's Career**

The Commission found that the Services value mentoring relationships that benefit both ends of the relationship: Protégés gain from the experience and knowledge of their mentors, and mentors gain a sense of satisfaction and pride from helping to develop the careers of junior individuals. Like many organizations, the Services provide mentoring to inform servicemembers of their career options and to help them develop professionally and personally. However, the Services did not indicate to the Commission that there is a particular focus on mentoring prior to initial career path decisions. Furthermore, a Commission survey involving a small sample of AC servicemembers revealed that, although there were not strong opinions about these career development resources and the assignment process, servicemembers reported that they gained only moderate knowledge of the career process early in their careers. Given that officers in tactical/operational career paths are significantly more likely to be promoted into flag/general officer positions, it is important that newly commissioning officers make their initial career field decisions with full knowledge of these issues.

Mentoring can also have particular benefits for the RC. First, when it comes to retaining qualified and successful servicemembers, mentoring can help inform exiting active-duty members about opportunities available in the RC. Additionally, the RC has its own constraints and issues, particularly for servicemembers who have transitioned from active duty. These include knowledge of the force structure, knowledge of the promotion system, and the geographic distribution of billets that could affect career decisions. Therefore, the Commission recommends that the Services ensure that, for both the AC and RC, mentoring efforts start prior to the initial career decision point and continue throughout the career life cycle.

**Mentoring Programs Shall Follow Effective Practices and Employ an Active Line of Communication Between Protégé and Mentor**

Mentoring can play an essential part in career development, but mentoring can also backfire if there is no solid understanding of what makes mentoring relationships successful. Descriptions of the Services' current mentoring programs and practices indicate that the Services are making extensive efforts to assist servicemembers in their career development. However, there is very little information about the effectiveness of these efforts, either collectively or for specific demographic groups.

Research on mentoring has shown that effective mentoring relationships and programs are characterized by practices that include establishing clear objectives, allow-



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ing mentees and mentors to establish multiple mentoring relationships, providing high-quality training for both mentors and mentees, and (if relevant to the mentoring program) matching mentors and mentees based on multiple criteria that align with the goals of the mentoring program (Allen et al., 2006; Finkelstein & Poteet, 2007). These characteristics represent effective practices that can be adopted by the Services. In addition, mentoring programs should foster the development of continuous, active lines of communication between mentors and mentees. Finally, the Services should evaluate the outcomes of their mentoring programs against predetermined goals and criteria. The Services can do this through surveys, interviews, and focus groups used to gather information about mentoring experiences. The Services should also track over time the careers of individuals who use their mentoring programs and tools to assess the extent to which mentoring has helped individuals at key career points.

## **DoD and the Services Should Eliminate Combat Exclusion Policies for Women**

### *Recommendation 9—*

*DoD and the Services should eliminate the "combat exclusion policies" for women, including the removal of barriers and inconsistencies, to create a level playing field for all qualified servicemembers. The Commission recommends a time-phased approach:*

- *a. Women in career fields/specialties currently open to them should be immediately able to be assigned to any unit that requires that career field/specialty, consistent with the current operational environment.*
- *b. DoD and the Services should take deliberate steps in a phased approach to open additional career fields and units involved in "direct ground combat" to qualified women.*
- *c. DoD and the Services should report to Congress the process and timeline for removing barriers that inhibit women from achieving senior leadership positions.*

The Commission recommends that DoD and the Services eliminate the combat exclusion policies that have barred women from direct ground combat fields and assignments since the early 1990s. As previously described, these policies constitute a structural barrier that prevents women from entering the tactical/operational career fields associated with promotion to flag/general officer grades and from serving in career-enhancing assignments. The Commission is *not* advocating a lowering of standards with the elimination of the combat exclusion policy. Qualification standards for combat arms positions should remain in place.

The Commission considered four strands of argument related to rescinding the policies. First, the Commission addressed arguments related to readiness and mission capability. One frequently cited argument in favor of the current policies is that having women serving in direct combat will hamper mission effectiveness by hurting unit morale and cohesion. Comparable arguments were made with respect to racial integration but were ultimately never borne out. Similarly, to date, there has been little evidence

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First of all, with regard to women in Combat Arms, I don't think you will see a change because I don't think our women want it to change, okay? There are certain demands of officers in a Combat Arms environment that our women see, recognize, appreciate, and say, I couldn't do that—in fact, I don't want to do that because I don't think it best prepares me for success. If I am trying to do those things against the male population at Lieutenant, Captain, Major, and Lieutenant Colonel.

—General James T. Conway, remarks to the Commission, 2010

that the integration of women into previously closed units or occupations has had a negative effect on important mission-related performance factors, such as unit cohesion (Defense Department Advisory Committee on Women in the Services, 2009; Harrell & Miller, 1997; McSally, 2007). A study by the Defense Department Advisory Committee on Women in the Services (2009) actually found that a majority of focus group participants felt that women serving in combat in Iraq and Afghanistan have had a positive effect on mission accomplishment.

Additionally, panel members discussing this topic at a September 2010 Commission meeting cited the need to bring to bear all talent: The blanket restriction for women limits the ability of commanders in theater to pick the most capable person for the job. For example, Colonel Martha McSally noted,

If you want to have the best fighting force, why would you exclude 51 percent of your population from even being considered for any particular job? I've seen recent statistics that say 75 percent of our Nation's youth between the ages of 17 and 25 are not even eligible to be in the military based on whether it's mental, medical, or other—criminal issues or whatever. So we just have a very small pool to pick from. So if we're trying to have the most ready force, why would we just exclude 51 percent of the population from even competing? (McSally, 2010)

Second, and relatedly, the Commission considered whether the policies are still appropriate given the changes in warfare and doctrine that have occurred over the last decade. DoD and Service policies that bar women from certain combat-related career fields, specialties, units, and assignments are based on standards associated with conventional warfare and well-defined, linear battlefields. However, the current conflicts in Iraq and Afghanistan have been anything but conventional. As a result, some of the female servicemembers deployed to Iraq and Afghanistan have already been engaged in activities that would be considered combat related, including being collocated with combat units and engaging in direct combat for self-defense (see Defense Department Advisory Committee on Women in the Services, 2009, and Harrell et al., 2007). Thus, the combat exclusion policies do not reflect the current operational environment.

Third, the Commission addressed arguments related to discrimination and fairness. Many Commissioners consider the policies fundamentally discriminatory because they stipulate that assignment decisions should be based solely on gender, without regard to capability or qualifications.

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Finally, the Commission considered whether there might be unanticipated effects from rescinding the combat exclusion policies, especially with regard to opening career fields. In particular, the type of effect such a policy change would have on enlisted recruiting is unknown. If young women perceive the opening of combat career fields to mean that they will be *required* to enter these occupations rather than being *allowed* to volunteer for them, female propensity to enlist may drop, and the Services may find it difficult to achieve their recruiting missions.

Based on these considerations, the Commission recommends that DoD and the Services eliminate their combat exclusion policies for women, including the removal of barriers and inconsistencies, to create a level playing field for all qualified servicemembers. This should be done using a phased approach so that all potential issues, including how to best implement new policies, can be thought through. This recommendation was approved by a majority, but not all, of the Commissioners. Due to concerns regarding the potential effect of the policies' removal on unit effectiveness and to potential challenges associated with implementation, a small number of Commissioners did not approve recommending removal of the policies immediately but instead favored further study. On the other hand, a small number of other Commissioners believed that the recommendation is not strong enough. They would have preferred a more forceful recommendation to immediately eliminate the policies.

The Commission proposes three strategies for implementing this recommendation.

**Women in Career Fields/Specialties Currently Open to Them Should Be Immediately Able to Be Assigned to Any Unit That Requires That Career Field/Specialty, Consistent with the Current Operational Environment**

As previously discussed, current DoD and Service assignment policies prohibit women from being assigned to units that may be involved in direct ground combat. Again, this means that, for a given occupation, the policies determine to which units a female servicemember may be assigned to do the job for which she has been trained. However, given the nature of the wars in Iraq and Afghanistan, women are currently engaged in direct combat, even when it is not part of their formally assigned role. Two key features of the policies have created the disconnect between the roles women may be formally assigned (policy) and the roles they may fill while deployed (practice).

First, many of the terms used in the policies have either lost or changed meaning. Such concepts as "enemy," "exposed to hostile fire," "forward," and "well forward" are no longer useful when determining which units should be closed to women. The enemy is no longer clearly and consistently identifiable, and all units are essentially exposed to hostile fire. Additionally, the spatial concepts of "forward" and "well for-

This is about discrimination of the first order. This is 2010, and as we look at outyears for war, it will probably be much more electronic than it is now. We have things from Creech Air Force Base fighting unmanned vehicles in Afghanistan right now. So we cannot look at the war that was fought in Vietnam and compare that to today or future wars. It's going to be totally different. This has to do with every American citizen being able to be considered for anything that they are qualified to do. It's about discrimination at its very basics.

—Rear Admiral Mary O'Donnell,  
remarks to the Commission, 2010

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ward” are inadequate to convey the complexity of such operations as those in Iraq and Afghanistan.

Second, once a female servicemember has been assigned to a unit, the assignment policy prescribes neither what duties she can do nor with which other units she may interact. As a result, women are performing in combat roles. Indeed, local commanders have the authority to use their personnel as they see fit to fulfill the unit mission. Harrell et al. (2007) found examples of female servicemembers who had been trained as cooks having received the Combat Action Badge in Iraq, likely because contractor cooks obviated the need for U.S. servicemembers to cook. Instead, these women, along with their male colleagues trained as cooks, were performing other duties, such as guard duty, that placed them in greater danger.

The Commissioners were in near-unanimous agreement that this aspect of the combat exclusion policies should be eliminated immediately because, given current practices for employing women in the wars in Iraq and Afghanistan, it seems obsolete. The assignment policies constitute an *unnecessary* barrier to women’s advancement.

### **DoD and the Services Should Take Deliberate Steps in a Phased Approach to Open Additional Career Fields and Units Involved in “Direct Ground Combat” to Qualified Women**

As previously discussed, tactical/operational career fields are associated with advancing to flag/general officer grades. Therefore, as long as the combat exclusion policies bar women from entering tactical/operational career fields and units, women will be at a disadvantage compared with men in terms of career advancement potential. The Commission is not arguing that women cannot reach senior leadership levels without being in tactical/operational career fields, and it is not asserting that a large number of women will necessarily choose to enter tactical/operational career fields, given the opportunity. However, the Commission believes that the existing policies are a structural barrier whose removal could help improve both the career advancement potential of qualified women and, ultimately, the demographic diversity of senior leaders. Therefore, the Commission recommends that DoD and the Services take steps to open all career fields and units to all qualified women.

### **DoD and the Services Should Report to Congress the Process and Timeline for Removing Barriers That Inhibit Women from Achieving Senior Leadership Positions**

Although there are no laws that specifically restrict women from being assigned to any career field, specialty, assignment, or unit, Title 10, Section 652, does require the Secretary of Defense to report to Congress about changes to the current combat exclusion policies. Therefore, the Commission recommends that DoD and the Services report to Congress the process and timelines for developing and implementing new policies based on recent combat experience. To be clear, this recommendation means that DoD and the Services will have to first determine *how* to develop and implement new policies, not *whether* to do so.

# **Exhibit 9**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SERVICE WOMEN'S ACTION NETWORK,

Plaintiff,

vs.

JAMES N. MATTIS, Secretary of Defense,

Defendant.

Case No. 12-CV-06005 EMC

**JOINT CASE MANAGEMENT  
STATEMENT**

Judge: Hon. Edward M. Chen

Case Management Conference:

Date: April 19, 2018

Time: 1:30 p.m.



Pursuant to the Court's Order of November 9, 2017, and Civil Local Rule 16-9, the parties hereby respectfully state the following.

**1. Jurisdiction and Service**

Plaintiff Service Women's Action Network ("SWAN") asserts subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and Defendant contends that the Court lacks subject matter jurisdiction for any further proceedings in this case. At this time, there are no issues concerning personal jurisdiction or service. Defendant also contends that this case may be dismissed for improper venue. Plaintiff asserts that venue is proper in this district.

**2. Facts**

On November 27, 2012, Plaintiffs (four servicewomen and SWAN) filed this action to challenge as unconstitutional the military's 1994 direct ground combat definition and assignment rule ("DGCDAR"). The DGCDAR excluded Plaintiffs, and all servicewomen, from assignment to units whose primary mission was to engage in direct ground combat. Plaintiffs allege that under the 1994 directive, women were barred from more than 238,000 positions across the active Armed Forces, including all infantry positions, and from certain military occupational specialties (also known as "MOSs") and training schools.

On January 24, 2013, the Secretary of Defense ("Secretary") and Chairman of the Joint Chiefs of Staff issued a directive rescinding the 1994 direct ground combat definition and assignment rule "effective immediately." <http://www.defense.gov/news/WISRJointMemo.pdf>. The directive further stated that "[i]ntegration of women into newly opened positions and units will occur as expeditiously as possible, considering good order and judicious use of fiscal resources, but must be completed no later than January 1, 2016."<sup>1</sup> *Id.* Exceptions to the directive may be requested by the Military Services (Army, Navy, Air Force and Marine Corps) and the U.S. Special Operations Command ("USSOCOM") (referred to collectively as the "Military Services"), but must be "narrowly tailored and based on a rigorous analysis of factual data

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<sup>1</sup> Plaintiff notes that despite the clear language of the Secretary's January 2013 directive, it is now undisputed that "integration of women into newly opened positions and units" was not "completed" by January 1, 2016.

1 regarding the knowledge, skills and abilities needed for the position” and personally approved first  
2 by the Chairman of the Joint Chiefs of Staff and then by the Secretary. *Id.*

3 On October 31, 2013, the Plaintiffs amended the Complaint to allege that despite  
4 the rescission of the DGCDAR, the Military Services remain in violation of equal protection  
5 requirements because of their ongoing policy and practice of excluding women categorically, on  
6 account of their sex, from entire military career fields, from all-male units, from certain schools  
7 and training programs, and from thousands of jobs.

8 On December 3, 2015, the Secretary announced his “determin[ation] that no  
9 exceptions are warranted to the full implementation of the rescission of the ‘1994 Direct Combat  
10 Definition and Assignment Rule’” and that “[a]nyone, who can meet operationally relevant and  
11 gender neutral standards, regardless of gender, should have the opportunity to serve in any  
12 position.” *See* Mem. of Dec. 3, 2015 from Secretary to Service Secretaries, Acting Under  
13 Secretary of Defense for Personnel and Readiness, Service Chiefs, and USSOCOM Commander,  
14 available at <http://www.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>. Shortly  
15 thereafter, DoD announced that it was making publicly available all of the studies on which the  
16 Secretary relied in coming to his decision. *See* [http://www.defense.gov/News/Publications/WISR-](http://www.defense.gov/News/Publications/WISR-Studies)  
17 *Studies*. The Congressional notification period pursuant to 10 U.S.C. § 652 expired January 2,  
18 2016.<sup>2</sup>

19 The Secretary’s December 3, 2015 Memorandum directed the Secretaries of the  
20 Military Departments and the Chiefs of the Military Services to submit final, detailed  
21 implementation plans for the opening of all military occupational specialties, career fields, and  
22 branches for accession by women for approval no later than January 1, 2016. The Services and  
23 USSOCOM complied with the deadline, and on March 9, 2016, the Secretary approved each of  
24 the Services’ and USSOCOM’s final implementation plans. *See* Mem. of Mar. 9, 2016 from  
25 Secretary to Service Secretaries, Under Secretary of Defense for Personnel and Readiness, Service  
26

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27 <sup>2</sup> On November 25, 2015, Congress amended that statute to change the notification period from 30  
28 days of continuous session of Congress to 30 calendar days. Pub. L. 114-92, § 524, 129 Stat. 813.

1 Chiefs, and USSOCOM Commander, *available at* [http://www.defense.gov/Portals/1/Documents/](http://www.defense.gov/Portals/1/Documents/pubs/SIGNED_SD_WISR_Implementation_Memo.pdf)  
2 [pubs/SIGNED\\_SD\\_WISR\\_Implementation\\_Memo.pdf](http://www.defense.gov/Portals/1/Documents/pubs/SIGNED_SD_WISR_Implementation_Memo.pdf). The final implementation plans are  
3 available publicly on DoD's website. <http://www.defense.gov/News/Publications>.

4 Since the Secretary's December 3, 2015 announcement, the parties have submitted  
5 four Case Management Statements and held four Case Management Conferences. *See* Dkt. 75;  
6 Dkt. 76; Dkt. 84; Dkt. 85; Dkt. 89; Dkt. 91; Dkt. 99; Dkt. 100.

7 On December 18, 2017, Plaintiff SWAN filed a Second Amended Complaint  
8 alleging that the Army and Marine Corps' gender-based approaches to integrating females into  
9 previously closed combat billets through the "Leaders First" policy, and the Marine Corps'  
10 segregation of male and female recruits during Marine training, violate the Equal Protection  
11 Clause of the Fifth Amendment. Dkt. 107. Defendant moved to dismiss the Second Amended  
12 Complaint for lack of subject matter jurisdiction and improper venue on February 16, 2018. Dkt.  
13 110. Plaintiff filed its opposition on March 9, 2018. Dkt. 111. Defendant filed his reply on  
14 March 29, 2018. Dkt. 112.

15 **A. Plaintiff's Position**

16 Plaintiff contends that there remain factual issues in dispute, as set out in more  
17 detail in Plaintiff's opposition to Defendant's pending motion to dismiss and in sections 3(A) and  
18 21(A) of this CMC Statement.

19 **B. Defendant's Position**

20 Defendant contends there are no factual issues in dispute.

21 **3. Legal Issues**

22 **A. Plaintiff's Position**

23 The Second Amended Complaint ("SAC") filed by Plaintiff Service Women's  
24 Action Network ("SWAN") addresses two unconstitutional gender-based assignment policies that  
25 the Department of Defense is utilizing as a result of its decision to allow women to serve in  
26 combat units: (1) the "Leaders First" policy adopted by the Army and the Marines that requires  
27 women to wait to enter combat units until two or more "women leaders" join that unit; and (2) a  
28

1 segregation policy used by the Marines that requires women who seek to serve in combat units to  
2 go through much of basic training in an all-women training battalion. SAC, ¶¶ 5-10; 25-50.

3 Defendant, Secretary of Defense James Mattis (“Secretary Mattis” or “Defendant”),  
4 has moved to dismiss SWAN’s claims on three grounds: (1) that SWAN’s constitutional  
5 challenges to Defendant’s gender-based assignment and training policies are “non-justiciable”  
6 because those policies cannot be the subject of *any* level of scrutiny by any Federal court; (2) that  
7 SWAN lacks standing to pursue its claims; and (3) that SWAN’s claims should be dismissed  
8 because they were brought in the wrong venue. Defendant’s Motion to Dismiss (“MTD”) at 7-22.  
9 None of these arguments justifies dismissal.

10 Defendant’s contention that this Court cannot even *review* the gender-based  
11 assignment policies adopted by the Army and Marines is not supported by the cases that he cites.  
12 In essence, Secretary Mattis is asking this Court to be the first court to hold that the federal courts  
13 are powerless to prevent the U.S. military from engaging in invidious discrimination—here, on the  
14 basis of gender, but the principle as articulated would apply to all protected characteristics, such as  
15 race.

16 The case law provides no support for Defendant’s extraordinary proposition. It is  
17 instead settled, as Judge Kollar-Kotelly explained in the course of enjoining President Trump and  
18 Secretary Mattis from barring transgender individuals from serving in the military, that the courts  
19 are *not* “powerless to assess whether the constitutional rights of America’s service members have  
20 been violated.” *Doe I v. Trump, et al.*, 275 F. Supp. 3d 167, 210 (D.D.C. 2017). *See also*  
21 *Chappell v. Wallace*, 462 U.S. 296, 304 (1983) (“This Court has never held, nor do we now hold,  
22 that military personnel are barred from all redress in civilian courts for constitutional wrongs  
23 suffered in the course of military service”); *Emory v. Sec’y of Navy*, 819 F.2d 291, 294 (D.C. Cir.  
24 1987) (“The military has not been exempted from constitutional provisions that protect the rights  
25 of individuals,” and “[i]t is precisely the role of the courts to determine whether those rights have  
26 been violated”).

1 Defendant's alternative arguments for dismissal (that SWAN lacks standing and  
2 that venue in this Court is improper) are also meritless and should be rejected for the reasons set  
3 out in Plaintiff's opposition to Secretary Mattis's motion to dismiss.

4 **B. Defendant's Position**

5 As set forth in Defendant's Motion to Dismiss the Second Amended Complaint and  
6 reply thereto, the Court presently lacks jurisdiction to conduct any further proceedings in this  
7 action because Plaintiff does not meet the case-and-controversy requirement of Article III and the  
8 allegations in the Second Amended Complaint present a non-justiciable controversy. Further, as  
9 set forth in Defendant's Motion, this action may also be dismissed for improper venue. Defendant  
10 respectfully refers the Court to its Motion to Dismiss the Second Amended Complaint, Dkt. 110,  
11 and its reply, Dkt. 112 at 5-8, for its response to Plaintiff's argument above.

12 **4. Motions**

13 On December 19, 2013, Defendant moved to dismiss the Plaintiffs' First Amended  
14 Complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure  
15 12(b)(1) on the ground that Plaintiffs' claims were not ripe because implementation of the  
16 rescission of the DGCDAR was ongoing. Dkt 19. On January 21, 2014, Defendant filed a motion  
17 for protective order seeking a stay of all discovery pending a decision on Defendant's motion to  
18 dismiss. Dkt 23. Plaintiffs opposed the motion for protective order, arguing, *inter alia*, that the  
19 Defendant's motion to dismiss on ripeness grounds raised disputed factual issues that justified  
20 discovery, including discovery regarding the extent to which the Services were relying on  
21 constitutionally suspect concerns about "bonding," "unit cohesion," and "female problems" to  
22 delay and/or preclude full integration. Dkt 25.

23 Following briefing, on February 27, 2014, the Court heard argument on the motion  
24 for protective order. Subsequently, the parties stipulated to a limited stay of this matter with  
25 periodic status reports. In an Order dated May 5, 2014, the Court terminated the Secretary's  
26 pending motion to dismiss and motion for protective order, suspended discovery, instituted a  
27 limited stay of the case, stated that the parties may renote the motions at a later time, and ordered  
28 the parties to provide periodic status reports.

On October 27, 2017, the parties proposed a joint schedule whereby Plaintiff SWAN would file a Second Amended Complaint and Defendant would move to dismiss or otherwise answer the complaint. Dkt. 104. Plaintiff filed its Second Amended Complaint on December 18, 2017. Dkt. 107. Defendant moved to dismiss the Second Amended Complaint for lack of subject matter jurisdiction and improper venue on February 16, 2018. Dkt. 110. Plaintiff filed its opposition to the motion to dismiss on March 9, 2018. Dkt. 111. Defendant filed his reply on March 29, 2018. Dkt. 112.

**5. Amendment of Pleadings**

**A. Plaintiff's Position**

If the Court were to find that subject matter jurisdiction is lacking, Plaintiff should be given an opportunity to cure any deficiencies with an amended complaint. *Enteral Prods., LLC v. Meds Direct RX of NY, LLC*, 2015 WL 13284512 at \*2 (C.D. Cal. October 30, 2015), citing 28 U.S.C. § 1653.

**B. Defendant's Position**

Defendant believes that the Court should dismiss the Second Amended Complaint on jurisdictional grounds and Plaintiff should not be given the opportunity to file another Amended Complaint as any amendment would be futile.

**6. Evidence Preservation**

The parties hereby certify that they have reviewed the Guidelines Relating to the Discovery of Electronically Stored Information ("ESI Guidelines"), and confirm that the parties have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action.

**7. Disclosures**

The Court's May 5, 2014 Order staying the litigation suspended the parties' discovery obligations (other than obligations to preserve relevant information, including information responsive to pending discovery requests), Dkt 37 at 6, and the parties have not made initial disclosures.



1 **8. Discovery**

2 No discovery has been completed to date. If and/or when the suspension of the  
3 parties' discovery obligations is lifted, the parties will meet and confer with respect to discovery,  
4 including whether any discovery is appropriate and, if so, the anticipated scope of discovery.

5 **9. Class Actions**

6 This action is not filed as a class action.

7 **10. Related Cases**

8 The parties are not aware of any pending related cases or proceedings.

9 **11. Relief**

10 Plaintiff's Second Amended Complaint seeks both declaratory and injunctive relief,  
11 including an order enjoining Defendant from enforcing or applying his "gender-based segregation  
12 policies and practices" and "requiring Defendant to allow women to apply for and serve in all  
13 combat-related positions and schools in all brigades that are open to male soldiers, utilizing the  
14 same procedures and rules for the accession and assignment of women soldiers that are utilized for  
15 men." Dkt 107 at 18.

16 **12. Settlement and ADR**

17 The parties discussed the possibility of settlement after the DGCDAR was  
18 rescinded and prior to Plaintiffs' filing their First Amended Complaint and Defendant's moving to  
19 dismiss, and are in compliance with ADR 3-5. If and/or when the case goes forward, the parties  
20 may revisit the possibility of settlement in light of the circumstances relevant to the case at that  
21 time.

22 **13. Consent to Magistrate Judge for All Purposes**

23 The parties do not consent to a magistrate judge for all purposes.

24 **14. Other References**

25 The parties agree that the case is not suitable for reference to binding arbitration, a  
26 special master, or the Judicial Panel on Multidistrict Litigation.

1 **15. Narrowing of Issues**

2 **A. Plaintiff's Position**

3 Plaintiff's SAC narrows the issues significantly and challenges the constitutionality  
4 of only two particular gender-based policies utilized by Defendant. Plaintiff does not believe that  
5 further narrowing would be appropriate at this time.

6 **B. Defendant's Position**

7 Defendant has moved to dismiss the Second Amended Complaint. Dkt. 110. As  
8 set forth in Defendant's motion and reply thereto, this Court should dismiss this action in its  
9 entirety for lack of subject matter jurisdiction or in the alternative for improper venue.

10 **16. Expedited Trial Procedure**

11 The parties do not believe at this time that this case can be handled under the  
12 Expedited Trial Procedure of General Order 64.

13 **17. Scheduling**

14 **A. Plaintiff's Position**

15 Plaintiff proposes that within thirty (30) days of the issuance of the Court's ruling  
16 on the pending motion to dismiss, the parties must submit (jointly or separately) a proposed pre-  
17 trial plan that sets out discovery and motion deadlines and a proposed trial date.

18 **B. Defendant's Position**

19 Defendant's Motion to Dismiss the Second Amended Complaint is fully briefed  
20 and pending before the Court. Defendant believes its motion will resolve the present litigation in  
21 its entirety and thus the case should remain stayed until the Court resolves that motion.

22 **18. Trial**

23 If the case is not resolved prior to trial, it will be tried to the Court. Defendant  
24 submits that it is difficult to estimate the length of trial because Plaintiff lacks standing to bring the  
25 claims in the operative complaint and those claims are non-justiciable. Plaintiff does not agree  
26 that it lacks standing or that its claims are non-justiciable. Plaintiff presently estimates that a trial  
27 is likely to require nine court days.

**19. Disclosure of Non-party Interested Entities or Persons**

Plaintiff filed its Rule 3-15 certificate on November 27, 2012. Dkt 2.

Defendant was not required to file a Rule 3-15 certificate. *See* Civil L.R. 3-15 (“The Rule does not apply to any governmental entity or its agencies.”).

**20. Professional Conduct**

All attorneys of record have reviewed the Guidelines for Professional Conduct for the Northern District of California.

**21. Other Matters: Status of Implementation and Direction of This Case**

**A. Plaintiff’s Position**

As set out in Plaintiff’s SAC and its brief in opposition to Defendant’s motion to dismiss, this case involves two unconstitutional gender-based assignment policies that act as a roadblock to the full integration of women into the armed forces. The first such policy, called “Leaders First,” precludes women from joining a combat battalion in the Army or Marines until two or more women “leaders” are assigned to that battalion. This gender-based assignment policy sets up servicewomen to fail, because it: (1) deprives junior enlisted servicewomen access to the full range of combat positions available to their male colleagues, because they are assigned to only those brigades in which women “leaders” are installed; (2) deprives women “leaders” access to the full range of combat positions because they are assigned based on the needs of the “Leaders First” policy; (3) communicates to male servicemembers and leaders in combat units that they have little or no responsibility for the development and advancement of servicewomen; (4) places unusual and unnecessary burdens on junior enlisted women, who are often required to ignore chain of command norms in order to seek counsel from their designated female “leaders”; (5) places unusual and unnecessary burdens on women “leaders,” who are required to divert attention from their own professional development in their new roles in combat units to mentor and supervise junior enlisted women; and (6) causes resentment among male soldiers in combat units. SAC, ¶ 6.

In the Army National Guard, the problem is even more severe. Only *two* states have met the “Leaders First” requirement, Colorado and New Hampshire. That means that in the other 48 states, women *still* cannot enlist in infantry or armor occupations or be assigned to ground

1 combat units at the entry level in the Army National Guard, purely because of their gender, five  
 2 years after the “immediate” rescission of the 1994 combat exclusion policy. SAC, ¶ 29.

3 Moreover, the impact in California of the “Leaders’ First” policy has been and continues to  
 4 be significant, as conceded by Lt. Col. Forest Horan, Commander of the Recruiting and Retention  
 5 Battalion of the California Army National Guard. Lt. Col. Horan stated in May 2017 that he knew  
 6 of “hundreds of [lower enlisted] female applicants that I believe would want to join the infantry  
 7 but can’t” because of the “Leaders’ First” policy. Roudebush, “California Army National Guard  
 8 Soldier ‘Queen of Battle’ Paves The Way,” May 19, 2017, available at [https://www.army.mil/  
 9 article/188040/california\\_army\\_national\\_guard\\_soldier\\_queen\\_of\\_battle\\_paves\\_the\\_way](https://www.army.mil/article/188040/california_army_national_guard_soldier_queen_of_battle_paves_the_way).<sup>3</sup>

10 The other gender-based policy at issue in the SAC is the Marines’ decision to segregate  
 11 recruits along gender lines during much of basic combat training, which, as set out in the SAC, is  
 12 based on gender stereotypes and operates as a roadblock to full integration.

### 13 **B. Defendant’s Position**

14 As set forth in Defendant’s Motion to Dismiss the Second Amended Complaint and  
 15 reply thereto, the Court presently lacks jurisdiction to conduct any further proceedings in this  
 16 action because Plaintiff does not meet the case-and-controversy requirement of Article III and the  
 17 allegations in the Second Amended Complaint present a non-justiciable controversy. Further, as  
 18 set forth in Defendant’s Motion, this action may also be dismissed for improper venue.

19 In accordance with the Court’s scheduling order of November 9, 2017, Dkt. 105,  
 20 Defendant respectfully submits the status of implementation of females into previously closed  
 21 combat units consistent with the implementation plans approved by the Secretary of Defense on  
 22 March 9, 2016.

---

23  
 24  
 25 <sup>3</sup> Defendant had asserted in his reply brief that a combat battalion in the California Army National  
 26 Guard also had two women leaders, so that enlisted women could apply to that battalion, but he  
 27 has now retracted that assertion. Defendant now concedes that in California (and 47 other states),  
 28 women cannot enlist in ground combat units through the National Guard, solely because of their  
 gender and the operation of “Leaders First.” See “Corrected” Declaration of Lt. Col. Horan, ¶ 3  
 and section 21(B)(2)(b).

1                               **1.       Status of Implementation**

2               As previously set forth above, the Secretary has determined that no exceptions are  
 3 warranted to full implementation of the rescission of the DGCDAR and has approved the  
 4 Services' and USSOCOM's final implementation plans for the opening of all military  
 5 occupational specialties, career fields, and branches for accession by women. Those  
 6 implementation plans remain in place and continue to be followed under the current  
 7 administration. *See* Declaration of Stephanie A. Barna ("Barna Decl.") ¶ 4, Attach. 1. As  
 8 discussed in detail below, the Declarations of Stephanie A. Barna, Army Lieutenant Colonel  
 9 Mercer and Marine Corps Colonel Mayer show that all components of the Department of Defense  
 10 including both the Army and the Marine Corps are making significant progress on their  
 11 implementation plans. *Id.* Information highlighting some of the recent progress made by the  
 12 Army and Marine Corps is contained in the declarations of Lieutenant Colonel Naomi R. Mercer  
 13 (Army) and Colonel Douglas S. Mayer (Marine Corps) and discussed in further detail below.  
 14 Some of the highlights for Navy, Air Force, and USSOCOM include:

15                               **a.       Navy**

16               The Navy continues to integrate and assign women enlisted and officers to its  
 17 submarine force. Barna Decl. at ¶ 5a. Eighteen (18) submarine crews now include women  
 18 officers, with a nineteenth crew to be integrated this fiscal year. *Id.* Nineteen percent (19%) of  
 19 the Submarine Force structure is integrated with women, with the officer and enlisted women  
 20 proportion of each of these crews is twenty percent (20%) or higher. The Surface Force is  
 21 complete with all planned actions in their implementation plan and they continue to expand  
 22 assignments for enlisted women aboard Mine Countermeasures Ships (MCM's). *Id.* At the end of  
 23 Fiscal Year (FY) 17, twenty-two percent (22%) of Surface Warfare Officers were female and  
 24 enlisted women make up twenty percent (20%) of ships' company and 19.7 percent of Enlisted  
 25 Surface Ratings. *Id.*

26                               **b.       Air Force**

27               The Air Force continues its aggressive efforts to attract, recruit, and access  
 28 qualified candidates for all military occupational specialties, including those previously closed to

1 women, and is examining means to recruit and retain more women. To date, five women have  
2 entered the Battlefield Airman training pipeline. Barna Decl. ¶ 5b.

3 **c. USSOCOM**

4 USSOCOM is currently in Phase 2 (Training) of their implementation plans and  
5 has started Phase 3 (Operational Assignments). Barna Decl. ¶ 5c. As part of Phase 2, all  
6 standards for each component command's accession, training, qualification, advancement,  
7 retention and assignment have been reviewed and validated and the training pipelines are open.  
8 *Id.* Women have applied for and been admitted to the Assessment and Selection ("A&S") courses  
9 for each component command. *Id.* As of March 7, 2018, a total of thirteen (13) women had  
10 attended special forces A&S training, with five women attending Army Special Forces A&S, one  
11 woman attending Navy SEAL officer A&S, one woman entering Navy Special Warfare  
12 Combatant-craft Crewmen training, three women entering Marine Corps Special Operations  
13 Command A&S, and three women entering Air Force Special Tactics A&S. *Id.* As part of Phase  
14 3, two women have been competitively selected to join and be assigned to the Army's 75th Ranger  
15 Regiment, a previously-closed unit. *Id.* Both selectees have completed the Ranger Assessment  
16 and Selection Program II and both were selected by the end of course board to join the Regiment.  
17 *Id.*

18 **2. Assignment of Female Leaders Before Junior Enlisted Women**

19 Both the Army's "Leaders First" policy and the Marines' policy of assigning  
20 female leaders to Ground Combat Arms (GCA) units before junior enlisted women, continue to  
21 comport with the guiding principle for gender integration announced by the Secretary in January  
22 2013 of "[e]nsuring that a sufficient cadre of midgrade/senior women enlisted and officers are  
23 assigned to commands at the point of introduction to ensure success in the long run." Mem. from  
24 Chairman, Joint Chiefs of Staff of Jan. 9, 2013 to Secretary, *available at*  
25 <http://www.defense.gov/news/WISRImplementationPlanMemo.pdf>, and attached to Mem. of Jan.  
26 24, 2013 from Secretary to Service Secretaries and Joint Chiefs of Staff, *available at*  
27 <http://www.defense.gov/news/WISRJointMemo.pdf>.



1                                    **a.        Army**

2                                    The Army has continued to assign female leaders and junior enlisted female  
 3 Soldiers to both previously restricted units and previously restricted MOSs. The attached  
 4 Declaration of Lieutenant Colonel Naomi R. Mercer the Army Assignments Policy Director,  
 5 Command Policy Division, a component of the Directorate of Manpower and Personnel  
 6 Management within the Army G1 (Personnel), provides an overview of the substantial progress  
 7 the Army has made on integration. *See* Declaration of Lieutenant Colonel Naomi R. Mercer  
 8 (“Mercer Decl.”), Attach. 2. As explained in the declaration, the Army is currently in Phase III of  
 9 its implementation plan meaning that Leaders are in place in Infantry and Armor positions and  
 10 conditions are set for assignment of female enlistment personnel to both types of operational units.  
 11 *See id.* ¶ 5. As of March 12, 2018, there were thirty-five (38) female infantry officers, fifty-six  
 12 (58) female armor officers, six (6) females infantry non-commissioned officers, nine (9) female  
 13 armor non-commissioned officers, 238 female enlisted infantry Soldiers, and 165 cavalry scouts  
 14 and armor crewmembers serving in the Army active component or in the training pipeline. *Id.*  
 15 Phase III is a three-year pilot, from June 2017 through June 2020 when the entire active Army will  
 16 transition to gender-neutral assignments across all career fields (Phase IV) and phase out the  
 17 Leaders First policy; however, some units may enter Phase IV more quickly. *Id.* The declaration  
 18 further explains in more specific detail:

19                                    The majority of the first wave of Army female leaders arrived at their units in 2d  
 20 and 3d Quarters FY17 (January through June 2017). To date, three (4) female  
 21 Captains have already completed the Infantry (IN) Captain’s Career Course and  
 22 two (2) were assigned to 82<sup>nd</sup> Airborne Division at Fort Bragg, North Carolina in  
 23 November and December 2016 while the third is arriving at Fort Hood, Texas, in  
 24 late August 2018, and the fourth is continuing training at Fort Benning. The  
 25 average training timeline for newly commissioned IN and Armor (AR) lieutenants  
 26 is 9-12 months, dependent upon functional courses within their career fields.  
 27 Thirty-four (34) female Lieutenants (LTs) have graduated the Infantry Basic  
 28 Officer Leadership Course (IBOLC) to date. IBOLC is seventeen weeks long.  
 Fifty-four (54) female LTs graduated Armor Basic Officer Leadership Course  
 (ABOLC) to date. ABOLC is nineteen weeks long. The Army has an additional  
 48 female officers (21 Infantry/27 Armor) currently attending IBOLC and ABOLC  
 or functional training. Additionally, one (1) female officer completed the Ranger  
 Assessment and Selection Program (RASP II) in December 2016 and was assigned  
 to 75<sup>th</sup> Ranger Regiment in March 2017; a second female officer completed RASP  
 II in December 2017 and was assigned to the 75<sup>th</sup> Ranger Regiment in January  
 2018. Two (2) non-commissioned officers attempted Special Forces Assessment  
 and Selection (SFAS) unsuccessfully and two (2) female officers attempted SFAS

1 unsuccessfully in March 2017. One (1) enlisted recruit is in SFAS training at  
 2 present and three (3) enlisted recruits are in infantry training prior to scheduling  
 3 their SFAS school dates; two (2) additional enlisted recruits have contracted for  
 4 Special Forces and are scheduled for initial training. One (1) female officer is  
 5 pending training dates for SFAS in 2018. Ten (10) female AR NCOs and twenty-  
 6 two (22) female IN NCOs have completed training for reclassification in the  
 7 National Guard. Seven (7) Active Duty NCOs have graduated from reclassification  
 8 training for Armor career fields. Five (5) female NCOs have completed active duty  
 9 reclassification training for Infantry. Two (2) active component female junior  
 10 enlisted Soldiers completed Armor reclassification and two (2) completed Infantry  
 11 reclassification. Based on projected training completion dates for officers and  
 12 NCOs, including allowance for follow-on training, these female leaders are  
 13 scheduled to arrive in their units 30 days prior to the first cohorts of female junior  
 14 enlisted completing training and have been filtering into their units as they  
 15 complete training. Leaders were in place at the company level when the first class  
 16 of Infantry junior enlisted female Soldiers graduated from OSUT in May 2017 and  
 17 the first class of Armor junior enlisted female Soldiers graduated from OSUT in  
 18 June 2017 and shipped to their units.

19 *Id.* ¶ 6.

20 All numbers indicate that integration has continually progressed in the Army since  
 21 the parties' last status report. For example, five hundred fourteen (514) female Soldiers have now  
 22 been assigned to previously restricted units in the Army compared to the three hundred sixty-nine  
 23 (369) female Soldiers assigned as of September 11, 2017. *See* Dkt 99 at 22. Further, the Army  
 24 has recently opened three additional posts and brigade combat teams to females at Forts Bliss,  
 25 Campbell, and Carson in addition to those already opened at Fort Bragg and Fort Hood. Mercer  
 26 Decl. ¶ 7. The Army plans to further expand units to Forts Drum, Polk, and Stewart, Vicenza,  
 27 Italy, and Joint Base Lewis-McChord in Fiscal Year 2019. *Id.* The number of women recruits  
 28 increases weekly based on new contracts. As of 12 March 2018, an additional 150 female recruits  
 have contracted for IN and AR, most of whom will ship to training within a few months of signing  
 their contracts. *Id.* ¶ 8.

#### 29 **b. The Army National Guard**

30 Lieutenant Colonel Naomi R. Mercer notes in her declaration that the Leaders First  
 31 strategy continues to be a challenge for the geographically disbursed units of the National Guard.  
 32 Mercer Decl. ¶ 5. To date, one company in New Hampshire and one company in Colorado have  
 33 met the Leaders First requirement and are actively recruiting female junior enlisted Soldiers into  
 34 the infantry career field. *Id.* LTC Mercer also notes that units in California and Oregon may soon

1 meet the “Leaders First” policy for their specific companies after their assigned leaders complete  
 2 training and their respective state Adjutant Generals submit certifications leaders to the National  
 3 Guard Bureau. *Id.* Upon reviewing LTC Mercer’s declaration, LTC Horan corrected the  
 4 declaration he filed as part of Defendant’s reply in support of its Motion to Dismiss the Second  
 5 Amended Complaint, Dkt. 112. *See* Correct Declaration of Lieutenant Colonel Horan (“Corrected  
 6 Horan Decl.”) ¶ 3, Attach. 3. LTC Horan explains that although the factual representations he  
 7 made as to the female leaders assigned to C Company 1st Battalion, 185th Infantry Battalion (C/  
 8 1-185th BN) and awaiting assignment to 1-184th Infantry Battalion are accurate, those battalions  
 9 have not technically met the “Leaders First” requirements because those females leaders have not  
 10 yet completed their training and the units have yet to be certified by the Adjutant General. *Id.*  
 11 However, he expects those requirements to be met for C/ 1-185th BN after First Sergeant Caldwell  
 12 completes her training and he also still expects that 1-184<sup>th</sup> will soon meet the policy’s  
 13 requirements.<sup>4</sup> *Id.*

#### 14 c. Marine Corps

15 The Marine Corps continues to assign new female leaders and junior enlisted  
 16 female Marines to previously restricted units and previously restricted MOSs. The attached  
 17 Declaration of Colonel Douglas S. Mayer, Manpower Military Policy Branch Head for Manpower  
 18 Policy and Plans Division, Manpower and Reserve Affairs, Headquarters Marine Corps explains:

19 Since the Secretary of Defense’s March 9, 2016 approval of the Marine Corps’ plan  
 20 to integrate females into previously closed combat units, female representation in  
 21 those units has steadily increased and, as of March 14, 2018, three hundred twenty-  
 22 eight (328) female Marines have been assigned to previously restricted units. Of

---

22 <sup>4</sup> Defendant notes that the quote from LTC Horan that Plaintiff has reproduced above is nearly a  
 23 year out of date and does not reflect the current status of the integration of females into combat  
 24 units in the California Army National Guard. LTC Horan’s most recent declaration, *see* Corrected  
 25 Horan Decl., as well as the factual representations he made in his declaration attached to  
 26 Defendant’s reply, Dkt. 112, accurately reflects the current state of integration in the California  
 27 Army National Guard. Further, Defendant has acknowledged only that, to date, the California  
 28 Army National Guard has not met the technical requirements of the “Leaders First” initiative.  
 Defendant does not concede that any female who desires a combat position in the California Army  
 National Guard is currently being prevented from obtaining such a position based on their gender.  
 Indeed, Plaintiff SWAN, an organization based out of Washington D.C., has not identified a single  
 service member who is currently being prevented from obtaining a combat position they desire,  
 based on their gender, in the California Army National Guard or any other component of the  
 armed forces.

those, eighty (80) are officers; fifty-nine (59) are senior noncommissioned officers; and one hundred eighty-nine (189) are junior enlisted.

[] Since the Secretary of Defense's March 9, 2016 approval of the Marine Corps' implementation plan, female representation in previously closed military occupational specialties (MOSs) has trended steadily upward and, as of March 14, 2018, one hundred (100) female Marines are serving in previously restricted military occupational specialties (MOSs). Of those, twenty-three (23) are officers and seventy-seven (77) are enlisted Marines.

[] Since the Secretary of Defense's March 9, 2016 approval of the Marine Corps' implementation plan, one hundred thirty-nine (139) women leaders have been assigned to previously closed units. As of March 9, 2018, fifty-seven percent (57%) of the previously closed units have female Marines assigned.

Declaration of Colonel Douglas S. Mayer ("Mayer Decl.") ¶¶ 3–5, Attach. 4.

All numbers indicate that integration has continually progressed in the Marine Corps since the parties' last status report. For example three hundred twenty-eight (328) female Marines have now been assigned to previously restricted units in the Marine Corps as opposed to two hundred fifty-four (254) as of August 7, 2017. *See* Dkt 99 at 24. And fifty-seven percent (57%) of the previously closed units now have female Marines assigned to them as opposed to fifty-four percent (54%) as reported in the September 2017 CMC. *See id.*

### **3. Direction of This Case**

Defendant has moved to dismiss the Second Amended Complaint. Dkt. 110. As set forth in Defendant's motion and reply thereto, this Court should dismiss this action in its entirety for lack of subject matter jurisdiction or in the alternative improper venue.

DATED: April 12, 2018

CHAD A. READLER  
Acting Assistant Attorney General  
ANTHONY J. COPPOLINO  
Deputy Branch Director  
ANDREW E. CARMICHAEL

By: /s/ Andrew E. Carmichael  
ANDREW E. CARMICHAEL

U.S. Department of Justice  
Attorneys for Defendant JAMES N. MATTIS

1 DATED: April 12, 2018

MUNGER, TOLLES & OLSON LLP

2  
3 By: /s/ Steven M. Perry

4 STEVEN M. PERRY

5 Attorneys for Plaintiff  
6 SERVICE WOMEN'S ACTION NETWORK

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13  
14 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

15 I, Steven M. Perry, am the ECF User whose identification and password are being used to  
16 file this Joint Case Management Statement. In compliance with General Order 45.X.B, I hereby  
17 attest that all signatories have concurred in this filing.

18  
19 /s/ Steven M. Perry

20 38396376.1

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Counsel for Defendant JAMES M. MATTIS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SERVICE WOMEN'S ACTION NETWORK,

Plaintiff,

v.

JAMES M. MATTIS, Secretary of Defense,

Defendant.

Case No. C 12-06005 EMC

**DECLARATION OF STEPHANIE A. BARNA**

Date: April 19, 2018  
Time: 1:30 p.m.  
Courtroom 5, 17th floor

I, Stephanie A. Barna, do hereby declare as follows:

1. I am the Acting Assistant Secretary of Defense (Manpower and Reserve Affairs), Performing the Duties of the Under Secretary of Defense for Personnel and Readiness, within the Department of Defense (DoD). In this capacity, I am responsible for Total Force management, including military readiness and training, and military personnel requirements. I have served in this capacity since March 30, 2018. From June 2014 through March 2018, I served first as the Acting Assistant Secretary of Defense (Readiness and Force Management) and subsequently performed both the duties of the Assistant Secretary of Defense (Manpower and Reserve Affairs) and the duties of the Principal Deputy Under Secretary of Defense for



1 Personnel and Readiness. In these roles, I served as principal advisor to the Secretary of Defense  
2 and the Under Secretary of Defense (Personnel and Readiness) on all matters including civilian  
3 and military personnel policies, reserve affairs, Total Force Planning and Requirements, and  
4 diversity. I also served in senior leadership positions in the Department of the Army as a career  
5 senior executive, and retired from the U.S. Army Reserve in 2011 in the grade of Colonel.

6 2. In my current role, I have oversight responsibility for the ongoing implementation of the  
7 full integration of women in the Armed Forces.

8 3. In the exercise of my official duties, I have been made aware of the *Service Women's*  
9 *Action Network* (formerly *Hegar*) litigation. The purpose of this declaration is to provide the  
10 Court with an update on the ongoing process to integrate women into all positions. The  
11 information in this declaration is based on my personal knowledge and on information made  
12 available to me in my official capacity.

13 4. My office continues to receive periodic updates from the Services regarding milestones  
14 reached and progress under their approved gender integration implementation plans. Based on  
15 these reports, and consistent with the guidance issued on December 3, 2015, by then-Secretary  
16 Carter, the Secretaries of the Military Departments, the Chiefs of the Military Services, and the  
17 Commander, U.S. Special Operations Command (USSOCOM) continue to make significant  
18 progress in integrating women into all career fields, units, and positions.

19 5. Information highlighting some of the recent progress made by the Army and Marine  
20 Corps is contained in the declarations of Lieutenant Colonel Naomi R. Mercer (Army) and  
21 Colonel Douglas S. Mayer (Marine Corps). Based on these reports and recent updates from the  
22 other Services and USSOCOM, implementation is proceeding consistent with approved plans.  
23 Some of the reported highlights for Navy, Air Force, and USSOCOM include:

24 a. Navy: The Submarine Force (SUBFOR) has a deliberate plan to integrate and assign  
25 women enlisted and officers to Fleet Ballistic Missile Submarines (SSBNs), Guided Missile  
26 Submarines (SSGNs), and Attack Submarines (SSNs). Eighteen (18) submarine crews now  
27 include women officers, with a nineteenth crew to be integrated this fiscal year. Four SSGN  
28

1 crews are integrated with female enlisted, with the next two crews beginning integration this  
2 fiscal year. Nineteen percent (19%) of SUBFOR's force structure is integrated with women,  
3 with the officer and enlisted women proportion of each of these crews at twenty percent (20%)  
4 or higher. The Surface Force is complete with all planned actions in their implementation plan  
5 and continues to expand assignments for enlisted women aboard Mine Countermeasures Ships  
6 (MCM's). At the end of Fiscal Year (FY) 17, twenty-two percent (22%) of Surface Warfare  
7 Officers were female, and enlisted women make up twenty percent (20%) of ships' company and  
8 19.7 percent of Enlisted Surface Ratings.

9 b. Air Force: The Air Force continues its aggressive efforts to attract, recruit, and access  
10 qualified candidates for all military occupational specialties, including those previously closed to  
11 women, and is examining means to recruit and retain more women. To date, five women have  
12 entered the Battlefield Airman training pipeline.

13 c. USSSOCOM:

14 (1) On January 13, 2016, General Joseph Votel, former USSOCOM Commander,  
15 sent a memorandum to the Secretary of Defense forwarding USSOCOM's Women in Special  
16 Operations (WISOF) Implementation Plan. The January 13, 2016, memorandum outlined  
17 USSOCOM's process for implementation. Using the January 13, 2016 memorandum as a point  
18 of reference, USSOCOM is currently in Phase 2, Training, and has begun to implement Phase 3,  
19 Operational Assignment. See para. 4, sub-paras. A and B of the 13 January 2016 memorandum.

20 (2) USSOCOM has successfully initiated and completed Phase 1, Preparation.  
21 USSOCOM's component commands leveraged existing relationships with Service Recruiting  
22 Commands to reach out to in-Service women, as well as off-the-street potential recruits, to  
23 expose them to the possibility of serving in Special Operations Forces (SOF) careers. For  
24 instance, Army Recruiting Command contacted all eligible in-Service female Soldiers with  
25 multiple e-mails informing them of their eligibility to apply for attendance at SOF assessment  
26 and selection (A&S) courses, along with instructions on applying. Similarly, Naval Special  
27 Warfare (NSW) outreach included both internal (Navy) and external (public) media and  
28

1 communications in broadcast and social media channels, with a variety of media content  
2 informing audiences about requirements and opportunities for women and men at NSW.  
3 Further, team events with Junior Lifeguards, ROTC units, high school and college athletes, as  
4 well as others, included mental toughness and physical fitness training and team building for  
5 both males and females. All of this aimed to raise awareness about NSW and what it takes to be  
6 a high potential Sea, Air, and Land (SEAL) or Special Warfare Combatant-craft Crewmen  
7 (SWCC) candidate. Additionally, all Service Recruiting Commands modified their recruiting  
8 advertising for SOF occupations to insure the advertising contained gender-inclusive images and  
9 language.

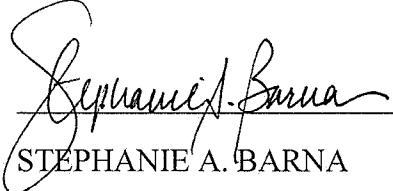
10 (3) All of the units conducting Assessment and Selection (A&S), as well as SOF  
11 training pipelines, reviewed their facilities and supply and clothing stocks to ensure they were  
12 prepared for the first female candidates. As necessary, facilities have been modified.

13 (4) Regarding Phase 2, Training, all standards for each component command's  
14 accession, training, qualification, advancement, retention, and assignment have been reviewed  
15 and validated and the training pipelines are open. Women have applied for and been admitted to  
16 the A&S courses for each component command. As of March 7, 2018, a total of thirteen (13)  
17 women had attended special forces A&S training, with five women attending Army Special  
18 Forces A&S, one woman attending SEAL officer A&S, one woman entering SWCC training,  
19 three women entering Marine Corps Special Operations Command (MARSOC) A&S, and three  
20 women entering Air Force Special Tactics A&S.

21 (5) Regarding Phase 3, Operational Assignment, two women have been  
22 competitively selected to join and be assigned to the Army's 75th Ranger Regiment, a  
23 previously-closed unit. Neither of these two women were in a previously-closed SOF  
24 occupation. Both selectees have completed the Ranger Assessment and Selection Program II  
25 and both were selected by the end of course board to join the Regiment.  
26  
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28

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing  
is true and correct.

Executed on April 11, 2018

  
STEPHANIE A. BARNA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SERVICE WOMEN'S ACTION NETWORK,

Plaintiffs,

v.

JAMES N. MATTIS, Secretary of Defense,

Defendant.

Case No. C 12-06005 EMC

**DECLARATION OF LIEUTENANT  
COLONEL NAOMI R. MERCER**

Date: April 19, 2018

Time: 1:30 pm

Courtroom 5, 17th floor

I, Naomi R. Mercer, do hereby declare as follows:

1. I serve as the Women in the Army Assignments Policy Director, Command Policy Division, a component of the Directorate of Manpower and Personnel Management within the Army G1 (Personnel), Directorate of Manpower and Personnel Management. I have served as the co-lead in this capacity since June 2016. As the Chief, Command Policy Division, I develop and oversee all policies and programs relating to the assignments of Women in the Army. The Command Policy Division coordinates with the Army Secretariat, sister services, and subordinate commands on all aspects pertaining to the integration of women into previously closed occupations and units.

NO. C 12-06005 EMC

DECLARATION OF NAOMI R. MERCER



1 2. I commissioned into the United States Army in 1994 and have served for nearly 24 years  
2 within the Adjutant General Corps. Over the course of my lengthy career, I have completed a  
3 deployment to Iraq. I have commanded at the company level and was selected for Advanced  
4 Civil Schooling on multiple occasions, completing my PhD in Literary Studies, with a minor in  
5 Gender and Women's Studies, in 2013 at the University of Wisconsin-Madison. During the  
6 course of my uniformed service, I have received numerous awards and decorations, including:  
7 one Bronze Star Medal, four Meritorious Service Medals, one Army Commendation Medal, two  
8 Army Achievement Medals, the National Defense Service Medal (with one service star), the  
9 Global War on Terrorism Service Medal, the Iraqi Campaign Medal (with one service star), two  
10 Overseas Service Ribbons, and the Army Service Ribbon. Since my assignment to the  
11 Department of the Army Staff in June 2016, I have served as the primary action officer for the  
12 Soldier 2020 program concerning the integration of female Soldiers into occupational specialties  
13 opened by the Secretary of Defense in December 2015.

14 3. Through the exercise of my official duties, I was informed of the above-captioned  
15 lawsuit. I am familiar with the allegations in the First Amended Complaint, filed on October 31,  
16 2013 and the Second Amended Complaint, filed on December 18, 2017. I make the following  
17 statements based upon my personal knowledge and on information made available to me in my  
18 official capacity.

19 4. As the Director for Women in the Army Assignment Policy, Command Policy Division, I  
20 have oversight responsibility for the ongoing implementation of the January 24, 2013 decision  
21 by then-Secretary of Defense Panetta, and Chairman of the Joint Chiefs of Staff, General Martin  
22 Dempsey ("the Chairman"), to rescind the 1994 Direct Ground Combat Definition and  
23 Assignment Rule (DGCDAR). This effort is commonly referred to as the "Women in the  
24 Services Review" (WISR), as its genesis was section 535 of the National Defense Authorization  
25 Act for Fiscal Year 2011 (FY 11 NDAA) which directed the Department to conduct a review of  
26 laws, policies, and regulations restricting service of female members of the armed forces.  
27  
28



5. The Army adopted a four phase Leader's First integration plan to comply with Secretary Panetta's directive – Phase I: Set Conditions for the Army; Phase II: Initiate Gender Neutral Training; Phase III: Assignment to Operational Units; and Phase IV: Sustain and Optimize. The Army is currently in Phase III, the gender integration plan. Phase III began when Leaders were in place and serving in both Infantry and Armor positions and conditions were set for assignment of female enlisted Infantry and Armor Soldiers to operational units. The Army entered Phase III on July 7, 2017 when the first tank crew members graduated basic training, as the infantry class graduated at an earlier date. While the Army has entered Phase III, Phase II is still on-going and will continue until the Army satisfies the steady state gender integration required by Phase IV. As of March 12, 2018, there were thirty-eight (38) female infantry officers, fifty-eight (58) female armor officers, six (6) female infantry non-commissioned officers, nine (9) female armor non-commissioned officers, 238 female enlisted infantry Soldiers, and 165 cavalry scouts and armor crewmembers serving in the Army active component or in the training pipeline. Phase III is a three-year pilot, from June 2017 through June 2020 when the entire active Army will transition to gender-neutral assignments across all career fields and phase out the Leaders First policy; however, some units may enter Phase IV more quickly. The Leaders First strategy continues to be a challenge for the geographically disbursed units in the National Guard. To date, one company in New Hampshire and one company in Colorado have met the Leaders First requirement and are actively recruiting female junior enlisted Soldiers into the infantry career field. The first enlisted National Guard infantry recruit is projected to graduate from Infantry OSUT in April 2018. Units in California and Oregon may soon meet the leaders first policy for specific companies; however, their respective state The Adjutants General (TAG) have yet to submit their certification letters to The National Guard Bureau since some of their leaders have not yet completed training. (The National Guard Bureau is developing a plan to meet the Chief of

1 Staff's intent for the Leaders First strategy while setting conditions to expand their junior enlisted  
2 recruiting for infantry and armor to more States.

3 6. The majority of the first wave of Army female leaders arrived at their units in 2d and 3d  
4 Quarters FY17 (January through June 2017). To date, three (4) female Captains have already  
5 completed the Infantry (IN) Captain's Career Course and two (2) were assigned to 82<sup>nd</sup> Airborne  
6 Division at Fort Bragg, North Carolina in November and December 2016 while the third is  
7 arriving at Fort Hood, Texas, in late August 2018, and the fourth is continuing training at Fort  
8 Benning. The average training timeline for newly commissioned IN and Armor (AR) lieutenants  
9 is 9-12 months, dependent upon functional courses within their career fields. Thirty-four (34)  
10 female Lieutenants (LTs) have graduated the Infantry Basic Officer Leadership Course (IBOLC)  
11 to date. IBOLC is seventeen weeks long. Fifty-four (54) female LTs graduated Armor Basic  
12 Officer Leadership Course (ABOLC) to date. ABOLC is nineteen weeks long. The Army has an  
13 additional 48 female officers (21 Infantry/27 Armor) currently attending IBOLC and ABOLC or  
14 functional training. Additionally, one (1) female officer completed the Ranger Assessment and  
15 Selection Program (RASP II) in December 2016 and was assigned to 75<sup>th</sup> Ranger Regiment in  
16 March 2017; a second female officer completed RASP II in December 2017 and was assigned to  
17 the 75<sup>th</sup> Ranger Regiment in January 2018. Ten (10) female AR NCOs and twenty-two (22)  
18 female IN NCOs have completed training for reclassification in the National Guard. Seven (7)  
19 Active Duty NCOs have graduated from reclassification training for Armor career fields. Five (5)  
20 female NCOs have completed active duty reclassification training for Infantry. Two (2) active  
21 component female junior enlisted Soldiers completed Armor reclassification and two (2)  
22 completed Infantry reclassification. Based on projected training completion dates for officers and  
23 NCOs, including allowance for follow-on training, these female leaders are scheduled to arrive in  
24 their units 30 days prior to the first cohorts of female junior enlisted completing training and have  
25  
26  
27  
28



1 been filtering into their units as they complete training. Leaders were in place at the company  
2 level when the first class of Infantry junior enlisted female Soldiers graduated from OSUT in May  
3 2017 and the first class of Armor junior enlisted female Soldiers graduated from OSUT in June  
4 2017 and shipped to their units.

5 7. Because of the propensity for female recruits and officers to contract or commission for  
6 infantry and armor career fields, the Army has expanded its assignments for gender integration to  
7 three additional posts and brigade combat teams at Forts Bliss, Campbell, and Carson, beginning  
8 in the spring of 2018; the junior enlisted personnel will be assigned to the additional posts  
9 beginning June 2018. The leaders are already assigned or on orders for assignment to eight  
10 brigade combat teams. The Army plans to expand to units on Forts Drum, Polk, and Stewart,  
11 Vicenza, Italy, and Joint Base Lewis-McChord in fiscal year 2019.

12 8. Based upon this sequencing of the arrival of female leaders and junior enlisted personnel,  
13 enlisted female recruits contracting into IN and AR were placed into the Delayed Entry Program  
14 (DEP) until February 2017 by which time the first group of female officers and NCOs had  
15 completed all training requirements and were assigned to designated operational units. Once the  
16 first female leaders arrived at their operational units, the use of the DEP for female enlisted  
17 contracts was no longer necessary. Therefore, although a slight delay for female enlisted  
18 contracts to begin training existed upon the initial opening of IN and AR career specialties, the  
19 delay ended in the 2<sup>nd</sup> Quarter of FY 17, and those female enlisted contracts began training in  
20 February 2017. The number of women recruits increases weekly based on new contracts. As of  
21 12 March 2018, an additional 150 female recruits have contracted for IN and AR, most of whom  
22 will ship to training within a few months of signing their contracts. Arrival to operational units  
23 began June 2017 for female junior enlisted Soldiers. During their time in the DEP, contracted  
24 female recruits had the opportunity to conduct additional fitness training with the recruiting  
25  
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1 battalions and other preparation, such as online classes on doctrine, patrolling tactics, etc., at their  
2 homes of record.


3 9. As discussed in my coworker's, LTC Christine Rice's, Declaration of September 27,  
4 2016, and January 4, 2017, in order to increase the number of female leaders in the AR and IN  
5 branches, the Army expanded opportunities for active component women to move to those  
6 branches through two policies set forth in two Military Personnel (MILPER) Messages—  
7 MILPER Message 16-096: FY2016 Branch Transfer Panel of Female Officers into Armor and  
8 Infantry Branches, during April through September 30, 2016 and 16-094, and MILPER Message  
9 16-094: FY 2016 Enlisted Secondary MOS Reclassification for Female Enlisted Personnel into  
10 Previously Closed Occupations; MILPER Message 16-010 Update to Reclassification In/Out  
11 Calls.<sup>1</sup> Twenty-one of 23 branch transfer requests under the MILPER Messages were approved,  
12 and 14 officers accepted the approved transfer and have completed training.  
13  
14

15 10. USSOCOM continues to recruit and access female Soldiers. Currently, two (2) non-  
16 commissioned officers attempted Special Forces Assessment and Selection (SFAS)  
17 unsuccessfully and two (2) female officers attempted SFAS unsuccessfully in March 2017. One  
18 (1) enlisted recruit is in SFAS training at present and five (5) enlisted recruits are in infantry  
19 training prior to scheduling their SFAS school dates; one (1) additional enlisted recruit has  
20 contracted for Special Forces and are scheduled for initial training. One (1) female officer is  
21 scheduled to begin training for SFAS in 2018.  
22  
23

24 <sup>1</sup> The "in/out" policy generally precludes reclassification from an under-strength MOS  
25 (MOS with fewer than optimal number of soldiers) or strength-balanced MOS (MOS with  
26 optimal number of soldiers) to an over-strength MOS (MOS with greater than optimal number of  
27 soldiers) or strength-balanced MOS. The exception allowed by MILPER 16-094 authorizes  
28 active duty female enlisted soldiers to request reclassification, as a secondary MOS, into one of  
14 previously closed combat MOSs, including infantry and armor MOSs, and to attend training  
and serve in those MOSs without regard to whether their current MOS and reclassified MOS are  
under-strength, over-strength or strength-balanced.

1 Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing  
2 is true and correct.

3  
4 Executed on 9 April 2018

5   
6 Naomi R. Mercer

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SERVICE WOMEN'S ACTION  
NETWORK,

Plaintiff,

v.

JAMES N. MATTIS, Secretary of Defense,  
Defendant.

CASE NO. C 12-06005 EMC

**CORRECTED DECLARATION OF  
LIEUTENANT COLONEL FORREST  
C. HORAN**

Date: April 19, 2018  
Time: 1:30 pm  
Courtroom 5, 17<sup>th</sup> floor

I, Lieutenant Colonel Forrest C. Horan, declare as follows:

- I am the Commander of the Recruiting and Retention Battalion (RRB) for the California Army National Guard (CAARNG) in Sacramento, California. I am an officer in the CAARNG, serving on orders in the Active Guard Reserve (AGR), pursuant to 32 U.S.C. § 328. I have been assigned to my current position since February 2017. Prior to this assignment, I have served in AGR



1 military assignments in the CAARNG as the Operations Officer for the 1st  
2 Battalion, 185th Infantry Regiment (1-185th BN) from June 2016 to February  
3 2017, as the RRB's Regional Deputy Commander, Operations Officer and  
4 Officer Strength Manager from April 2015 to May 2016, and as the RRB's  
5 Recruiting Officer in Charge, Battalion Executive Officer, Deputy Commander  
6 and Acting Battalion Commander from September 2009 to January 2013.

8 2. I am aware that the Service Women's Action Network has filed a  
9 complaint in U.S. District Court, which alleges, in part, that the U.S. Army  
10 and Army National Guard's "Leaders First" policy serves as a barrier to entry  
11 of junior enlisted women into combat infantry and armor units in the CA  
12 ARNG. While the CAARNG currently experiences challenges to recruiting  
13 Soldiers (both male and female) into combat specialties, I disagree that  
14 "Leaders First" policy acts as a major barrier for the CAARNG.

16 3. Upon reviewing Lieutenant Colonel Naomi R. Mercer's declaration,  
17 which states that that units in California and Oregon may soon meet the  
18 "Leaders First" policy for their specific companies after their assigned leaders  
19 complete training and their respective state Adjutant Generals submit  
20 certifications leaders to the National Guard Bureau (Mercer Decl. ¶ 5), I  
21 learned there are some additional procedural requirements for complying with  
22 the policy and I, therefore, need to correct my prior declaration, which was  
23 filed as part of Defendant's reply in support of its Motion to Dismiss the  
24 Second Amended Complaint, Dkt. 112. Although the factual representations I  
25 made as to the female leaders assigned to C Company 1st Battalion, 185th  
26  
27  
28

1 Infantry Battalion (C/ 1-185th BN) and awaiting assignment to 1-184th  
2 Infantry Battalion are accurate, those battalions have not yet technically met  
3 the "Leaders First" requirements because those females leaders have not yet  
4 completed their training and the units have yet to be certified by the Adjutant  
5 General. However, I fully expect that the C/ 1-185th BN will soon be ready to  
6 accept women recruits when First Sergeant Kristin Caldwell completes her  
7 training. I also still expect that 1-184th IN BN will soon meet the policy's  
8 requirements.  
9  
10

11  
12  
13 Dated: 10 APRIL 2018



FORREST C. HORAN

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SERVICE WOMEN'S ACTION NETWORK,

Plaintiffs,

vs.

JAMES N. MATTIS, Secretary of Defense,

Defendant.

Case No. 12-CV-06005 EMC

**DECLARATION OF COLONEL  
DOUGLAS S. MAYER**

Judge: Hon. Edward M. Chen

Case Management Conference: April 19, 2018  
Time: 10:30 a.m.

I, Colonel Douglas S. Mayer, do hereby declare as follows:

1. I am the Manpower Military Policy Branch Head for Manpower Policy and Plans Division, Manpower and Reserve Affairs, Headquarters Marine Corps. In this role, I oversee the Marine Corps Integration Implementation Plan section which is responsible for monitoring the Marine Corps' implementation of its plan to integrate females into previously closed combat units.

1 2. I am aware of the claims in the SWAN v. Mattis litigation and make the following statements  
2 based upon my personal knowledge and upon information made available to me in my official  
3 capacity.

4 3. Since the Secretary of Defense's March 9, 2016 approval of the Marine Corps' plan to  
5 integrate females into previously closed combat units, female representation in those units has  
6 steadily increased and, as of March 14, 2018, three hundred twenty-eight (328) female Marines  
7 are assigned. Of those, eighty (80) are officers; fifty-nine (59) are senior noncommissioned  
8 officers; and one hundred eighty-nine (189) are junior enlisted.

9 4. Since the Secretary of Defense's March 9, 2016 approval of the Marine Corps'  
10 implementation plan, female representation in previously restricted military occupational  
11 specialties (MOSs) has trended steadily upward and, as of March 14, 2018, one hundred (100)  
12 female Marines are serving in those MOSs. Of those, twenty-three (23) are officers and seventy-  
13 seven (77) are enlisted Marines.

14 5. Since the Secretary of Defense's March 9, 2016 approval of the Marine Corps'  
15 implementation plan, one hundred thirty-nine (139) female leaders have been assigned to  
16 previously closed units. As of March 14, 2018, fifty-seven percent (57%) of the previously  
17 closed units have female leaders assigned. These numbers have trended upward since March 9,  
18 2016, and will continue to climb as female leaders are assigned in all previously closed units.  
19 Under the implementation plan, no date is set for terminating the assignment of female leaders,  
20 but such assignment practices will be periodically reviewed to ascertain the necessity to either  
21 continue or cease the policy.

22 6. As of 19 March 2018, the Marine Corps has an active duty population of 184,804 Marines, of  
23 which 8.55 percent is female. The percentage population of female Marines has increased from  
24 7.88 percent (14,448 of 183,970) in March 2016.

Pursuant to 28 U.S.C. §1746(2), I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated:

3/13/13

  
DOUGLAS S. MAYER